ALEXANDER L STEVAS, CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1983

UNITED STATES OF AMERICA, PETITIONER

v

ALBERTO ANTONIO LEON, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

JOINT APPENDIX

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No. 82-1771

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^{*}The opinion of the court of appeals appears in the appendix to the petition for a writ of certiorari and has not been reproduced.

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

	RELEVANT DOCKET ENTRIES
DATE	FILINGS PROCEEDINGS
1982	
FEB. 16	DOCKETED APPEAL AND ENTERED AP- PEARANCES OF COUNSEL. tjs
FEB. 23	Prepared CJA 20 VOUCHER #333205 for aplt. #4 (Ricardo Del Castillo) ru
MAY 04	FILED CERTIFICATE OF RECORD. (4/6/82) js
JUN. 09	FILED ORIG. & 15 APLT/USA OPENING BRIEF, & FIVE EXCERPTS OF RECORD. (20p.) (6/7/82).
JUNE 28	FILED ORIG & 15 APLE (LEON) BRIEF. (17p.+Addendum) (6/23/82). (PINK COVERS). ff
JULY 09	RECV'D ORIG. & 15 APLE. (ARMANDO SANCHEZ) BRIEF. (24p.) (7/6/82). LATE (IN PINK COVERS) ru
JULY 13	FILED ORIG. & 15 APLE. (ARMANDO SANCHEZ) BRIEF. (24p.) (7/6/82) (IN PINK COVERS). ru
JULY 15	FILED ORIG. & 15 APLE'S (CASTILLO & STEWART) JOINT BRIEF. (30p.) (7/12/82). ru
JULY 28	FILED ORIG. & 15 APLT/USA REPLY BRIEF. (5p.) (7/26/82). ru
JULY 30	FILED (as of May 4, 1982) CERTIFIED RECORD ON APPEAL IN THREE VOLUMES; CLERK'S RECORD PLDGS VOL ONE (1-copy); REPORT- ER'S TRANS VOLS. TWO THRU THREE. js
OCT. 07	ARGUED AND SUBMITTED BEFORE: KENNEDY, TANG & FERGUSON, CJJ egm
1983	
JAN 13	Filed ORIG & 3 APLT/USA ADDITIONAL CITA- TION. (1/11/83) PANEL. ff
JAN 19	ORDERED MEMORANDUM (KENNEDY, TANG & FERGUSON, CJ) FILED & JUDG TO BE FILED & ENTD. (KENNEDY DISSENTING) pn
JAN 19	FILED MEMORANDUM—AFFIRMED.
JAN 19	FILED & ENTERED JUDGMENT. pn

FEB 04 Filed plaintiff-appallant [sic] orig & 24 petition for rehearing. (PANEL) (7pgs) 2/2/82. ho

MARCH 4 Filed order (KENNEDY, TANG & FERGUSON, CJ) The petition for rehearing is denied. Judge Kennedy would grant the petition for rehearing but hold the case on the calendar until the Supreme Court's ruling in ILLINOIS v. Gates. pn

MARCH 15 Filed as of Mar. 14, aplt's (USA) application for order staying the mandate; declaration of Richard B. Kendall. (Tang) 3/10—rmc

APRIL 4 Filed order (TANG) Upon due consideration of appellant motion for stay of the mandate of this Court in the above cause pending the filing, consideration and disposition by the Supreme Court of the United States of a petition for writ of certiorari, such petition to be filed in the Clerk's Office of the Supreme Court of the United States on or before the 29th day of April, 1983, It is ordered that the motion for stay of mandate be, and the same is hereby granted. klm

MAY 27 RECVD SC notice of filing petition for writ of cert on 4/29/83, SC#82-1771. pn

JULY 1 Filed certified copy of SC order of 6/27/83, granting cert. (COPIES TO PANEL) pn

CENTRAL DISTRICT OF CALIFORNIA

RELEVANT DOCKET ENTRIES

Defendant: LEON, ALBERTO ANTONIO

DATE FILINGS-PROCEEDINGS
09/21/81 Defendant arrested (Dkt'd 09/28/81).

09/22/81 Defendant's first appearance (MAGISTRATE GEFFEN) (Dkt'd 09/29/81).

Filed magistrate complaint (MAGISTRATE GEFFEN) (Doc: 1) (Dkt'd 09/29/81).

Arraignment on magistrate complaint held (DFT ARRN & STAT T/N AS CHRGD MR GRITZ APPEARD AS RETD CNSL FOR DFT. DFT COMTD TO CUST OF USM.) (MAGISTRATE GEFFEN) (Dkt'd 09/29/81).

Order corporate surety/cash or in the alternative, personal appearance bail set in the amount of \$100,000.00 (W/5% CASH DEP, W/PSA, W/FULL JUST, INT PSA. DFT REST TO C/D OF CALIF, SURN PASSPORT.) (MAGISTRATE GEFFEN) (Dkt'd 09/29/81).

Preliminary examination set for 10/02/81 @ 4:30 PM (P/I ARRN SET FOR 10/13/81 @ 8:30 AM.) (MAGISTRATE GEFFEN) (Dkt'd 09/29/81).

09/24/81 Filed surety bond in the amount of \$100,000.00 (FULL JUST, W/5% CASH DEPT, W/INT PSA, SRN OF PASSPORT. (PASSPORT NOT SURN).) (MAGISTRATE GEFFEN((Dkt'd 09/29/81).

10/02/81 Filed indictment (MAGISTRATE KRONENBERG) (Doc: 2) (Dkt'd 10/06/81).

> U.S. Attorney to issue notice to appear for arraignment (MAGISTRATE KRONENBERG) (Dkt'd 10/06/81).

> —FLD CR72 AUSA SAYERS (Doc: 3) (Dkt'd 10/06/81).

> Order surety/cash bail set in the amount of \$100,000.00 (W/10% DEP, W/SURETY, W/PSA.) (MAGISTRATE KRONENBERG) (Dkt'd 10/06/81).

10/13/81 Arraignment held (Counts 1-4) (DFT ADVISED OF RIGHTS, DFT IS ARRGN & STATES TRUE

- NAME IS AS CHARGED IN INDICT.) (MAGISTRATE REICHMANN) (Doc: 7) (Dkt'd 10/21/81).
- Attorney KAPLAN, NORMAN added to case (FLD DESIGN OF RETAINED CNSL) (MAGISTRATE REICHMANN) (Doc: 7) (Dkt'd 10/21/81).
- Defendant appears with counsel (MAGISTRATE REICHMANN) (Doc: 7) (Dkt'd 10/21/81).
- Arraignment and plea continued to 10/13/81 @ 3:00 PM (Counts 1-4) (MAGISTRATE REICHMANN) (Doc: 7) (Dkt'd 10/21/81).
- Waiver of defendant's presence (FLD WAIVER OF DFT PRESENCE) (Doc: 8) (Dkt'd 10/21/81).
- Arraignment held (Counts 1-4) (DFT STATE TRUE NAME AS CHARGED.) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Defendant enters plea of not guilty (Counts 1-4) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Trial date set for 12/09/81 @ 9:30 AM (Counts 1-4) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Pre-trial motions to be filed by 11/19/81 (Counts 1-4) (ALL SUPPRESSION MTN SHALL BE FLD NLT) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Hearing on pre-trial motions set for 12/08/81 @ 9:30 AM (Counts 1-4) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Government to answer by 11/25/81 (RE OPPOSITION TO THE SUPPRESSION MTN) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Defendant to file reply to government's answer to pre-trial motions by 12/02/81 (RE GOVT OPPOSITION TO THE SUPRESSION MNT.) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Status hearing set for 11/12/81 @ 9:00 AM (ANY OTHER PRELIMINARY MOTNS SHALL BE FLD NLT 10/30/81. OPPOSITION TO PRELIM NTN IS DUE BY 11/6/81. GOVERN & DFTS CNSL ARE TO HOLD A DISC CONFERENCE WITHIN NEXT 10 DAYS.) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- 10/28/81 Joinder in Motion to reveal identity of informant (MOT#1) (Counts 1-4) (Doc: 13) (Dkt'd 10/30/81).

10/30/81 Joinder in Motion to produce/inspect grand jury testimony (MOT#2) (Count 2) (FLD DFT MOTN FOR JOINDER IN MOTN FOR DISCLOSURE OF INFORMANT BY G/J TEST.) (Doc: 16) (Dkt'd 11/03/81).

11/06/81 Memorandum in opposition to motion to reveal identity of informant (MOT#1) (FLD GOVT OPP TO MTN TO DISCLOSE IDENT OF CONFID INFORMANT, MEMO OF P/A. RETRNBL 11/12/81 @ 9AM) (Doc: 21) (Dkt'd 11/16/81).

Status hearing held (RE MTN FOR DISCLOSURE OF INFORMANT INFO, MTN FOR PRE TRIAL DISC OF G/J TEST, MTN OF DFT DANCHEZ [sic] FOR CONT OF TRIAL. CRT ORD ANY MTN TO SUPPRESS SHALL BE FILED BY 12/28/81, GOVT SHALL RESP BY 1/5/82 2PM. CRT ORD GOVT SHALL TURNOVER TO THE DFT ALL JAENCKS [sic] ACT STATEMNTS BY 12/22/81, MOT TO SUPPRESS SET FOR 1/11/82 @ 2PM.) (JUDGE TASHIMA) (Doc: 23) (Dkt'd 11/18/81).

Motion to reveal identity of informant denied (MOT#1) (JUDGE TASHIMA) (Doc: 23) (Dkt'd 11/18/81).

Motion to produce/inspect grant jury testimony granted (MOT#2) (RE PRE-TRIAL DISC OF G/J TEST CRT ORD DISCLOSURE OF G/J BE DIS-CLOSED BY 12/15/81). (JUDGE TASHIMA) (Doc: 23) (Dkt'd 11/18/81).

Trial date continued to 01/12/81 [sic] @ 9:30AM (Counts 1-4) (JUDGE TASHIMA) (Doc: 23) (Dkt'd 11/18/81).

Excludable delay based on finding the ends of justice served by continuance began on 11/10/81 and ended on 01/12/82 (CONT GRANT IN ORD TO OBT OR SUBS CNSL OR GIVE REASONABLE TI TO PREPARE.) (JUDGE TASHIMA) (Dkt'd 11/18/81).

11/19/81 Order filed (FLD ORD FOR CONT OF TRIAL & EXCLUD TI.) (JUDGE TASHIMA) (Doc: 24) (Dkt'd 11/24/81).

Trial date continued to 01/12/82 (Counts 1-4) (JUDGE TASHIMA) (Doc: 24) (Dkt'd 11/24/81).

Hearing on pre-trial motions continued to 01/11/82 @ 2:00PM (Counts 1-4) (ORD THAT GOVT DIS-CLOSE ALL GRAND JRY TRANS BY 12 PTRMOTHRGS RE ALL SUPPRESSION MTNS.) (JUDGE TASHIMA) (Doc: 24) (Dkt'd 11/24/81).

Excludable delay based on finding the ends of justice served by continuance began on 11/12/81 and ended on 01/12/82 (CONT GRANTED IN ORD TO OR SUBS CONSL. OR REASONABL TI TO PREPRE.) (JUDGE TASHIMA) (Doc: 25) (Dkt'd 11/24/81).

- 12/23/81 Motion to suppress evidence filed (MOT#4) (Counts 1-4) (FLD DFT NOTC OF MOTN & MOTN TO QUASH S/W & TO SUPPRESS EVID OB-TAINED THEREUNDER: MEMO OF P&A., RETNBL 1/11/82 @ 2PM.) (Doc: 26) (Dkt'd 12/24/81.)
 - Motion to suppress evidence filed (MOT#5) (Counts 1-4) (FLD DFT NOTC of MOTN & MOTN for SUPPRESSION OF EVIDENCE: DECLARA OF NORMAN J. KAPLAN & MEMO OF P&A. RETNBL 1/11/82 @ 2PM.) (Doc: 27) (Dkt'd 12/24/81)
 - -FLD JOINDER IN MOTNS BY DFT. (NO MOTNS FLD AT THIS TIME. (Doc: 28) (Dkt'd 12/24/81).
- -FLD GVT'S JOINT RESPNS TO DEFENXE 01/05/82 MOT TO DISMISS & TO SUPPRESS EVI-DENCE, MEMO OF P/A, DECLARATN. RETRNBL 1/11/82, 2PM. (Doc: 32) (Dkt'd 01/06/82).
- 01/07/82 Filed trial memorandum (Counts 1-4) (BY GOVT.) (Doc: 33) (Dkt'd 01/11/82).
 - Filed government's proposed jury instructions (Counts 1-4) (Doc: 34) (Dkt'd 01/11/82).
- Motion to suppress evidence granted in part: denied in part (MOT#4) (CRT FINDS S/W DID NOT SHOW SUFFICIENT PROBABLE CAUSE & ORD THE MOTN TO SUPPRESS GRNTD IN PART & DEN IN PART.) (JUDGE TASIMA) (Doc: 35) (Dkt'd 01/21/82).
 - Motion to suppress evidence granted in part: denied in part (MOT#5) (CRT FINDS S/W DID NOT

01/11/82

SHOW SUFFICIENT PROBABLE CAUSE & ORD THE MOTN TO SUPPRESS GRNTD IN PART & DEN IN PART.) (JUDGE TASHIMA) (Doc: 35) (Dkt'd 01/21/82).

Status hearing held (HRG HLD RE: DFTS MOTNS TO SUPPRESS & TO DISM. CRT CONT MATT FOR TRIAL OR STAT CONF. FLD WITN LIST.) (JUDGE TASHIMA) (Doc: 35) (Dkt'd 01/21/82).

Status hearing continued to 01/12/82 @ 3:00 PM (FOR TRIAL OR STAT CONF.) (JUDGE TASHIMA) (Doc: 35) (Dkt'd 01/21/82).

-FLD DECLA IN SUPT OF MOTN TO QUASH S/W & TO SUPPRESS EVID, BY DFT. (Doc: 36) (Dkt'd 01/21/82).

Status hearing held (JUDGE TASHIMA) (Doc: 39) (Dkt'd 01/21/82).

> Trial date set for 02/16/82 @ 9:30 AM (Counts 1-4) GOVT ORALLY MOVES FOR A CONT OF THE TRIAL FOR 30 DAYS. CRT GRANTS THE GOVT MOTN. THE TRIAL IS ORD CONTD. CRT FINDS THAT THE TIME FRM 10/28 TO 11/12 IS EXCLUDABLE UNDER THE SPEEDY TRIAL ACT DUE TO DISCY MOTNS. (NO CR 73 SUBMTD THIS TIME). THE GOVT IS INSTRUCTED TO PP A FORMAL ORD OF EXCLUDABLE TIME & THE CONT OF THE TRIAL DATE.) (JUDGE TASHIMA) (Doc: 39) (Dkt'd 01/21/82).

Status hearing set for 02/08/82 @ 10:00 AM (IF THE GOVT FILES A NOTC OF APPEAL PRIOR TO THAT DATE, THE STAT CONF WILL BE DEEMED OFF CAL.) (JUDGE TASHIMA) (Doc: 39) (Dkt'd 01/21/82).

01/22/82 Order filed (FLD ORDER RE: EXCLUSION OF TIME AND CONT OF TRIAL DATE) (JUDGE TASHIMA) (Doc: 40) (Dkt'd 02/01/82).

> Excludable delay due to hearings on Pretrial Motions began on 10/28/81 and ended on 11/12/81 (JUDGE TASHIMA) (Doc: 41) (Dkt'd 02/01/82).

-FLD GOVT EX PARTE APPL FOR ORD 02/05/82 SHORT TI, DECLAR. (Doc: 42) (Dkt'd 02/09/82).

01/12/82

- Order filed (RE GOVT ORD SHRT TI, TO FLE MTN TO RECONSIDER.) (JUDGE TASHIMA) (Doc: 43) (Dkt'd 02/09/82).
- Motion filed (MOT#8) (FLD GOVT NOTICE OF MTN & MTN TO RECONSIDER RULING SUPPRESING EVIDENCE, MEMO OF P/A, EXHIBIT. RETRNBL 2/8/82 @ 10AM.) (Doc: 44) (Dkt'd 02/09/82).
- 02/08/82 Motion hearing held (MOT#8) (RE GOVT MTN FOR RECONSIDERATION OF RULING SUPPRESSING EVID.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).
 - Motion denied (MOT#8) (RE GOVT MTN FOR RECONSID.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).
 - Status hearing held (GOVT REQUEST ORD EXCLUD TI. CRT DIR GOVT TO PREPARE A FORMAL ORD FOR EXCLUSION OF TI.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).
 - Order filed (CRT ORD TRIAL DATE OF 2/16/82 VACATED AT TI THE NOTIC OF APPEAL IS FILED.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).
- 02/09/82 Filed notice of interlocutory appeal (APPL#1) (FLD GVT NOTC OF AP RE ORD GRANT IN PART MTNS TO SUPPRESS.) (Doc: 45) (Dkt'd 02/11/82).
 - Trial date stricken (Counts 1-4) (RE CRT ORD TO VACATE SENT AT TI OF APPEAL FILING.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).
- 02/12/82 Order filed (RE EXCLUSION OF TI.) (JUDGE TASHIMA) (Doc: 46) (Dkt'd 02/16/82).
 - Excludable delay due to hearings on Pretrial Motions began on 02/05/82 and ended on 02/08/82 (JUDGE TASHIMA) (Doc: 47) (Dkt'd 02/16/82).
- 02/18/82 Filed transcript of proceedings for 02/08/82 (Doc: 50) (Dkt'd 02/22/82).
- 02/22/82 —(APPL#1) (FLD NTC TO APPEAR BF A MAG-ISTRATE. RETNB 3/3/82 @ 9:05AM BR MAG-TASSOPULOS) (Doc: 51) (Dkt'd 02/23/82).
- 02/23/82 —(APPL#1) (FLD TRANSCRIPT DESIGNATION AND ORDG FORM) (Doc: 52) (Dkt'd 02/23/82).

03/12/82 Filed designation for record on appeal (LDGD USCA ORD FOR TIME SCHED ON GOVT INTRLOC APPEAL) (Doc: 53) (Dkt'd 03/15/82).

04/06/82 —(APPL#1) (FLD ORIG RPTR'S TRNSCRPT OF PROC HAD ON 1-11-82, 1-12-82) (Dkt'd 04/13/82).

Defendant: SANCHEZ, ARMANDO LAZARO

09/21/81 Defendant arrested (Dkt'd 09/25/81).

09/22/81 Filed magistrate complaint (Doc: 1) (Dkt'd 09/25/81).

Arraignment on magistrate complaint held (DFT COMMITTED TO CUS OF USM, DFT APPTD PD ROBBINS) (MAGISTRATE GEFFEN) (Dkt'd 09/25/81).

Defendant's first appearance (Dkt'd 09/25/81).

Order corporate surety/cash or in the alternative, personal appearance bail set in the amount of \$75,000.00 (W/5% DEP WITH FULL JUST, W/PSA INT, SURRENDER PASSPORT) (MAGISTRATE GEFFEN) (Dkt'd 09/25/81).

Preliminary examination set for 10/02/81 @ 4:30 PM (P/I ARRN SET FOR 10/13/81 AT 8:30 AM) (MAGISTRATE GEFFEN) (Dkt'd 09/25/81).

09/26/81 Filed corporate surety bond in the amount of \$75,000.00 (W/INT PSA & SURN OF PASS-PORT, (PASSPORT NOT SURN).) (MAGISTRATE TASSOPULOS) (Dkt'd 09/29/81).

10/02/81 Filed indictment (MAGISTRATE KRONENBERG) (Doc: 2) (Dkt'd 10/06/81).

Order corporate surety/cash bail set in the amount of \$75,000.00 (MAGISTRATE KRONENBERG) (Dkt'd 10/06/81).

U.S. Attorney to issue notice to appear for arraignment (MAGISTRATE KRONENBERG) (Dkt'd 10/06/81).

—FLD CR72 BY AUSA SAYERS, (Doc: 4) (Dkt'd 10/06/81).

10/13/81 Arraignment held (Counts 1, 3-5) (DFT ADVISED OF RIGHTS, DFT IS ARRGN & STATES TRUE NAME IS AS CHARGED IN INDICT.) (MAGISTRATE REICHMANN) (Doc: 7) (Dkt'd 10/21/81).

- Attorney VODNOY, JOSEPH added to case (MAG-ISTRATE REICHMANN) (Doc: 7) (Dkt'd 10/21/81).
- Defendant appears with counsel (MAGISTRATE REICHMANN) (Doc: 7) (Dkt'd 10/21/81).
- Arraignment and plea continued to 10/13/81 @ 3:00 PM (Counts 1, 3-5) (MAGISTRATE REICHMANN) (Doc: 7) (Dkt'd 10/21/81).
- Arraignment held (Counts 1, 3-5) (DFT STATE TRUE NAME AS CHARGED.) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Defendant enters plea of not guilty (Counts 1, 3-5) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Trial date set for 12/09/81 @ 9:30AM (Counts 1, 3-5) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Pre-trial motions to be filed by 11/19/81 (Counts 1, 3-5) (ALL SUPPRESSION MTN SHALL BE FLD NLT) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Hearing on pre-trial motions set for 12/08/81 @ 9:30 AM (Counts 1, 3-5) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Government to answer by 11/25/81 (RE OPPOSITION TO THE SUPPRESSION MTN) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Defendant to file reply to government's answer to pre-trial motions by 12/02/81 (RE GOVT OPPOSITION TO THE SUPPRESSION MNT.) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Status hearing set for 11/12/81 @ 9:00 AM (ANY OTHER PRELIMINARY MOTNS SHALL BE FLD NLT 10/30/81. OPPOSITION TO PRELIM NTN IS DUE BY 11/6/81. GOVERN & DFTS CNSL ARE TO HOLD A DISC CONFERENCE WITHIN NEXT 10 DAYS.) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- 10/23/81 —LETTER RE: RECONVEYANCE OF DEED OF TRUST TO SEYMOUR GREITZER (Doc: 10) (Dkt'd 10/23/81).
- 10/30/81 Joinder in Motion to reveal identity of informant (MOT#1) (Counts 1, 3-5) (FLD DFT NOTC OF JOINDER, MOTN TO JOIN IN THE MOTNS OF CO-DFTS: DECLARA OF MICHAEL D.

ABZUG, RETNBL 11/12/81, 9AM.) (Doc: 17) (Dkt'd 11/03/81).

- Joinder in Motion to produce/inspect grand jury testimony (MOT#2) (Counts 1, 3-5) (FLD DFT NOTC OF JOINDER & MOTN TO JOIN IN CO-DFTS MOTNS, DECLARA OF MICHAEL ABZUG, RETNBL 11/12/81, 9AM.) (Doc: 18) (Dkt'd 11/03/81).
- 11/06/81 —FLD DFT NOT OF ASSOC & CORRECTION RE MTN FOR DISCLOSURE. (Doc: 19) (Dkt'd 11/16/81).
 - —(MOT#1) (MOT TO REVEAL IDENT OF INFORMANT, CORRECTED TO BE HEARD ON 11/12/81 @ 9:00 AM. BEFORE JUDGE TASHIMA.) (Doc: 19) (Dkt'd 11/16/81).
 - Filed appearance of ABZUG, MICHAEL as cocounsel for defendant (Doc: 20) (Dkt'd 11/16/81).
 - Memorandum in opposition to motion to reveal identity of informant (MOT#1) (FLD GOVT OPP TO MTN TO DISCLOSE IDENT OF CONFID INFORMANT, MEMO OF P/A. RETRNBL 11/12/81 @ 9AM) (Doc: 21) (Dkt'd 11/16/81).
- 11/10/81 Motion for continuance filed (MOT#3) (FLD DFT MOTION FOR CONT OF TRIAL, DECLAR OF CNSL & MEMO OF P/A, RETRNBL 11/12/81 @ 9AM.) (Doc: 22) (Dkt'd 11/16/81).
- Status hearing held (RE MTN FOR DISCLOSURE OF INFORMANT INFO, MTN FOR PRE TRIAL DISC OF G/J TEST, MTN OF DFT DANCHEZ [sic] FOR CONT OF TRIAL. CRT ORD ANY MTN TO SUPPRESS SHALL BE FILED BY 12/28/81, GOVT SHALL RESP BY 1/5/82 2PM. CRT ORD GOVT SHALL TURNOVER TO THE DFT ALL JAENCKS [sic] ACT STATEMENTS BY 12/22/81, MOT TO SUPPRESS SET FOR 1/11/82 @ 2PM.) (JUDGE TASHIMA) (Doc: 23) (Dkt'd 11/18/81).
 - Motion to reveal identity of informant denied (MOT#1) (JUDGE TASHIMA) (DOC: 23) (Dkt'd 11/18/81).
 - Motion to produce/inspect grand jury testimony granted (MOT#2) (RE PRE-TRIAL DISC OF G/J TEST CRT ORD DISCLOSURE OF G/J BE DIS-

- CLOSED BY 12/15/81.) (JUDGE TASHIMA) (Doc: 23) (Dkt'd 11/18/81).
- Motion for continuance granted (MOT#3) (JUDGE TASHIMA) (Doc: 23) (Dkt'd 11/18/81).
- Trial date continued to 01/12/81 [sic] @ 9:30AM (Counts 1, 3-5) (JUDGE TASHIMA) (Doc: 23) (Dkt'd 11/18/81).
- Excludable delay based on finding the ends of justice served by continuance began on 11/10/81 and ended on 01/12/82 (CONT GRANT IN ORD TO OBT OR SUBS CNSL OR GIVE REASONABLE TI TO PREPARE.) (JUDGE TASHIMA) (Dkt'd 11/18/81).
- 11/19/81 Order filed (FLD ORD FOR CONT OF TRIAL & EXCLUD TI.) (JUDGE TASHIMA) (Doc: 24) (Dkt'd 11/24/81).
 - Trial date continued to 01/12/82 (Counts 1, 3-5) (JUDGE TASHIMA) (Doc: 24) (Dkt'd 11/24/81).
 - Hearing on pre-trial motions continued to 01/11/82 @ 2:00 PM (Counts 1, 3-5) (ORD THAT GOVT DISCLOSE ALL GRAND JRY TRANS BY 12 PTRMOTHRGS RE ALL SUPPRESSION MTNS.) (JUDGE TASHIMA) (Doc: 24) (Dkt'd 11/24/81).
 - Excludable delay based on finding the ends of justice served by continuance began on 11/12/81 and ended on 01/12/82 (CONT GRANTED IN ORD TO OBT OR SUBS CONSL, OR GIVE REASONABL TI TO PREPARE.) (JUDGE TASHIMA) (Doc: 25) (Dkt'd 11/24/81).
- 01/05/82 —FLD GVT'S JOINT RESPNS TO DEFENSE MOT TO DISMISS & TO SUPPRESS EVIDENCE, MEMO OF P/A, DECLARATN. RETRNBL 1/11/82, 2PM. (Doc: 32) (Dkt'd 01/06/82).
- 01/07/82 Filed trial memorandum (Counts 1, 3-5) BY GOVT.) (Doc: 33) (Dkt'd 01/11/82).
 - Filed government's proposed jury instructions (Counts 1, 3-5) (Doc: 34) (Dkt'd 01/11/82).
- 01/11/82 Status hearing held (HRG HLD RE: DFT SMOTNS TO SUPPRESS & TO DISM. CRT CONT MATT FOR TRIAL OR STAT CONF. FLD WITN LIST.) (JUDGE TASHIMA) (Doc: 35) (Dkt'd 01/21/82).

Status hearing continued to 01/12/82 @ 3:00 PM (FOR TRIAL OR STAT CONF.) (JUDGE TASHIMA) (Doc: 35) (Dkt'd 01/21/82).

01/12/82

- Status hearing held (JUDGE TASHIMA) (Doc: 39) (Dkt'd 01/21/82).
- Trial date set for 02/16/82 @ 9:30 AM (Counts 1, 3-5) (GOVT ORALLY MOVES FOR A CONT OF THE TRIAL FOR 30 DAYS. CRT GRNTS THE GOVT MOTN. THE TRIAL IS ORD CONTD. CRT FINDS THAT THE TIME FRM 10/28 TO 11/12 IS EXCLUDABLE UNDER THE SPEEDY TRIAL ACT DUE TO DISCV MOTNS. (NO CR 73 SUBMTD THIS TIME). THE GOVT IS INSTRUCTED TO PP A FORMAL ORD OF EXCLUDABLE TIME & THE CONT OF THE TRIAL DATE.) (JUDGE TASHIMA((Doc: 39) (Dkt'd 01/21/82).
- Status hearing set for 02/08/82 @ 10:00 AM (IF THE GOVT FILES A NOTC OF APPEAL PRIOR TO THAT DATE, THE STAT CONF WILL BE DEEMED OFF CAL.) (JUDGE TASHIMA) (Doc: 39) (Dkt'd 01/21/82).

01/22/82

- Order filed (FLD ORDER R.E. EXCLUSION OF TIME AND CONT OF TRIAL DATE) (JUDGE TASHIMA) (Doc: 40) (Dkt'd 02/01/82).
- Excludable delay due to hearings on Pretrial Motions began on 10/28/81 and ended on 11/12/81 (JUDGE TASHIMA (Doc: 41) (Dkt'd 02/01/82).

02/05/82

- --FLD GOVT EX PARTE APPL FOR ORD SHORT TI, DECLAR. (Doc: 42) (Dkt'd 02/09/82).
- Order filed (RE GOVT ORD SHRT TI, TO FLE MTN TO RECONSIDER.) (JUDGE TASHIMA) (Doc: 43) (Dkt'd 02/09/82).
- Motion filed (MOT#8) (FLD GOVT NOTICE OF MTN & MTN TO RECONSIDER RULING SUPPRESSING EVIDENCE, MEMO OF P/A, EXHIBIT. RETRNBL 2/8/82 @ 10AM.) (Doc: 44) (Dkt'd 02/09/82).

02/08/82

Status hearing held (RE GOVT MTN FOR RECONSIDERATION OF RULING SUPPRESS EVID. GOVT REQUESTS ORD EXCLUD TI. CRT DIRECTS GOVT TO PREPARE A FORMAL ORD FOR EXCLUSION OF TI.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).

- Motion denied (MOT#8) (RE DFT MTN FOR RECONSID.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).
- Bail hearing set for 02/16/82 @ 9:30AM (RE BAIL MODIF.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).
- Order filed (CRT ORD TRIAL DATE VACATED AT TI THE NOTIC OF APPEAL IS FILD.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).
- 02/09/82 Filed notice of interlocutory appeal (APPL#1) (FLD GVT NOTC OF AP RE ORD GRANT IN PART MTNS TO SUPPRESS.) (Doc: 45) (Dkt'd 02/11/82).
 - Trial date stricken (Counts 1, 3-5) (RE ORD TO VA-CATE TRIAL DATE AT TI NOTIC OF AP-PEAL.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).
- 02/12/82 Order filed (RE EXCLUSION OF TI.) (JUDGE TASHIMA) (Doc: 46) (Dkt'd 02/16/82).
 - Excludable delay due to hearings on Pretrial Motions began on 02/05/82 and ended on 02/08/82 (JUDGE TASHIMA) (Doc: 47) (Dkt'd 02/16/82).
- 02/16/82 Bail hearing stricken (CNSEL INFRM CRT THAT BAIL MATTER SHALL BE HANDLED BY STIP.) (JUDGE TASHIMA) (Doc: 49) (Dkt'd 02/17/82).
- 02/18/82 Filed transcript of proceedings for 02/08/82 (Doc: 50) (Dkt'd 02/22/82).
- 02/22/82 —(APPL#1) (FLD NTC TO APPEAR BF A MAG. RETNB 3/3/82 @ 9:05AM BF MAG TASSOPULOS) (Doc: 51) (Dkt'd 02/23/82).
- 02/23/82 —(APPL#1) (FLD TRANSCRIPT DESIGNATION AND ORDG FORM) (Doc: 52) (Dkt'd 02/23/82).
- 03/12/82 Filed designation for record on appeal (LDGD USCA ORD FOR TIME SCHED ON GVT INTRLOC APPEAL) (Doc: 53) (Dkt'd 03/15/82).
- 04/06/82 (APPL#1) (FLD ORIG RPTR'S TRNSCRPT OF PROC HAD ON 1-11-82, 1-12-82.) (Dkt'd 04/13/82).

Defendant: STEWART, PATSY ANN

09/21/81 Defendant arrested (Dkt'd 09/29/81).

- 09/22/81 Defendant's first appearance (MAGISTRATE GEFFEN) (Dkt'd 09/29/81).
 - Filed magistrate complaint (MAGISTRATE GEFFEN) (Doc: 1) (Dkt'd 09/29/81).
 - Arraignment on magistrate complaint held (DFT ARRN & STAT T/N AS CHRGD. CRT APPTD A. MABRY AS CNSL. DFT COMTD TO CUST OF USM.) (MAGISTRATE GEFFEN) (Dkt'd 09/29/81).
 - Order corporate surety/cash or in the alternative, personal appearance bail set in the amount of \$25,000.00 (W/10% DEP, W/FULL JUST, DFT RESTD TO L.A. CNTY. DFT TO HV 48 HRS TO JUST & POST CASH DEP.) (MAGISTRATE GEFFEN) (Dkt'd 09/29/81).
 - Preliminary examination set for 10/02/81 @ 4:30 PM (P/I ARRN SET FOR 10/13/81 @ 8:30AM.) (MAGISTRATE GEFFEN) (Dkt'd 09/29/81).
 - Filed corporate surety bond in the amount of \$25,000.00 (DFT REST TO L.A. CNTY.) (MAGISTRATE GEFFEN) (Dkt'd 09/29/81).
- 10/02/81 Filed indictment (MAGISTRATE KRONENBERG) (Doc: 2) (Dkt'd 10/06/81).
 - Order surety/cash bail set in the amount of \$25,000.00 (W/10% DEP, W/ SURETY, W/PSA.) (MAGISTRATE KRONENBERG) (Dkt'd 10/06/81).
 - U.S. Attorney to issue notice to appear for arraignment (MAGISTRATE KRONENBERG) (Dkt'd 10/06/81).
 - —FLD CR72 BY AUSA SAYERS (Doc: 5) (Dkt'd 10/06/81).
- 10/13/81 Arraignment held (Counts 1, 3-5) (DFT ADVISED OF RIGHTS, DFT IS ARRGN & STATES TRUE NAME IS AS CHARGED IN INDICT.) (MAGISTRATE REICHMANN) (Doc: 7) (Dkt'd 10/21/81).
 - Attorney COSSACK, ROGER L added to case (FLD DESIGN OF RETAIN CNSL) (MAGISTRATE REICHMANN) (Doc: 7) (Dkt'd 10/21/81).
 - Defendant appears with counsel (MAGISTRATE REICHMANN) (Doc: 7) (Dkt'd 10/21/81).

- Arraignment and plea continued to 10/13/81 @ 3:00 PM (Counts 1, 3-5) (MAGISTRATE REICHMANN) (Doc: 7) (Dkt'd 10/21/81).
- Arraignment held (Counts 1, 3-5) (DFT STATE TRUE NAME AS CHARGED.) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Defendant enters plea of not guilty (Counts 1, 3-5) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Trial date set for 12/09/81 @ 9:30 AM (Counts 1, 3-5) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Pre-trial motions to be filed by 11/19/81 (Counts 1, 3-5) (ALL SUPPRESSION MTN SHALL BE FLD NLT) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Hearing on pre-trial motions set for 12/08/81 @ 9:30 AM (Counts 1, 3-5) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Government to answer by 11/25/81 (RE OPPOSITION TO THE SUPPRESSION MTN) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Defendant to file reply to government's answer to pre-trial motions by 12/02/81 (RE GOVT OPPOSITION TO THE SUPPRESSION MNT.) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- Status hearing set for 11/12/81 @ 9:00 AM (ANY OTHER PRELIMINARY MOTNS SHALL BE FLD NLT 10/30/81, OPPOSITION TO PRELIM NTN IS DUE BY 11/6/81, GOVERN & DFTS CNSL ARE TO HOLD A DISC CONFERENCE WITHIN NEXT 10 DAYS.) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- 10/28/81 —FLD DFT NOTICE OF JOINDER. NO MTNS TO JOIN IN ON LD. (Doc: 11) (Dkt'd 10/30/81)
 - Motion to reveal identity of informant filed (MOT#1) (Counts 1, 3-5) (FLD DFT MTN FOR DISCLOSURE OF INFORMANT INFO, MEMO OF P/A.) (Doc: 12) (Dkt'd 10/30/81).
 - Motion to reveal identity of informant hearing set for 11/12/81 @ 9:00 AM (MOT#1) (ORD THAT DFT MOTN SHL BE HRD ON SD DATE.) (JUDGE TASHIMA) (Doc: 14) (Dkt'd 11/03/81).
- 11/06/81 Memorandum in opposition to motion to reveal identity of informant (MOT#1) (FLD GOVT OPP TO

MTN TO DISCLOSE IDENT OF CONFID INFORMANT, MEMO OF P/A. RETRNBL 11/12/81 @ 9AM) (Doc: 21) (Dkt'd 11/16/81).

11/12/81

- Status hearing held (RE MTN FOR DISCLOSURE OF INFORMANT INFO, MTN FOR PRE TRIAL DISC OF G/J TEST, MTN OF DFT DANCHEZ [sic] FOR CONT OF TRIAL. CRT ORD ANY MTN TO SUPPRESS SHALL BE FILED BY 12/28/81, GOVT SHALL RESP BY 1/5/82 2PM. CRT ORD GOVT SHALL TURNOVER TO THE DFT ALL JAENCKS [sic] ACT STATEMENTS BY 12/22/81, MOT TO SUPPRESS SET FOR 1/11/82 @ 2PM.) (JUDGE TASHIMA) (Doc: 23) (Dkt'd 11/18/81).
- Motion to reveal identity of informant hearing held (MOT#1) (JUDGE TASHIMA) (Doc: 23) (Dkt'd 11/18/81).
- Motion to reveal identity of informant denied (MOT#1) (JUDGE TASHIMA) (Doc: 23) (Dkt'd 11/18/81).
- Trial date continued to 01/12/81 [sic] @ 9:30 AM (Counts 1, 3-5) (JUDGE TASHIMA) (Doc: 23) (Dkt'd 11/18/81).
- Excludable delay based on finding the ends of justice served by continuance began on 11/10/81 and ended on 01/12/82 (CONT GRANT IN ORD TO OBT OR SUBS CNSL OR GIVE REASONABLE TI TO PREPARE.) (JUDGE TASHIMA) (Dkt'd 11/18/81).

11/19/81

- Order filed (FLD ORD FOR CONT OF TRIAL & EXCLUD TI (JUDGE TASHIMA) (Doc: 24) (Dkt'd 11/24/81).
- Trial date continued to 01/12/82 (Counts 1, 3-5) (JUDGE TASHIMA) (Doc: 24) (Dkt'd 11/24/81).
- Hearing on pre-trial motions continued to 01/11/82 @ 2:00 PM (Counts 1, 3-5) (ORD THAT GOVT DISCLOSE ALL GRAND JRY TRANS BY 12 PTRMOTHRGS KE ALL SUPPRESSION MTNS.) (JUDGE TASHIMA) (Doc: 24) (Dkt'd 11/24/81).
- Excludable delay based on finding the ends of justice served by continuance began on 11/12/81 and ended on 01/12/82 (CONT GRANTED IN ORD TO OBT OR SUBS CONSL, OR GIVE

REASONABL TI TO PREPARE.) (JUDGE TASHIMA) (Doc: 25) (Dkt'd 11/24/81).

Motion to dismiss filed (MOT#6) (Counts 1, 3-5) 12/23/81 (FLD DFT MTN TO DISMISS INDICT, MEMO OF P/A. RETRN 1/11/82 @ 2PM.) (Doc: 29) (Dkt'd 12/28/81).

-FLD GVT'S JOINT RESPNS TO DEFENXE 01/05/82 MOT TO DISMISS & TO SUPPRESS EVI-DENCE, MEMO OF P/A, DECLARATN. RETRNBL 1/11/82, 2PM. (Doc: 32) (Dkt'd 01/06/82).

01/07/82 Filed trial memorandum (Counts 1, 3-5) (BY GOVT.) (Doc: 33) (Dkt'd 01/11/82).

> Filed government's proposed jury instructions (Counts 1, 3-5) (Doc: 34) (Dkt'd 01/11/82).

01/11/82 Motion to dismiss denied (MOT#6) (JUDGE TASHIMA) (Doc: 35) (Dkt'd 01/21/82).

> Status hearing held (HRG HLD RE: DFT SMOTNS TO SUPPRESS & TO DISM. CRT CONT MATT FOR TRIAL OR STAT CONF. FLD WITN LIST.) (JUDGE TASHIMA) (Doc: 35) (Dkt'd 01/21/82).

> Status hearing continued to 01/12/82 @ 3:00 PM (FOR TRIAL OR STAT CONF.) (JUDGE TASHIMA) (Doc: 35) (Dkt'd 01/21/82).

> -FLD DFT DECLARA OF PATSY ANN STEWART. RE: STANDING. (Doc: 37) (Dkt'd 01/21/82).

> -FLD DECLARA OF PATSY ANN STEWART RE: STANDING. (Doc: 38) (Dkt'd 01/21/82).

Status hearing held (JUDGE TASHIMA) (Doc: 39) 01/12/82 (Dkt'd 01/21/82).

> Trial date set for 02/16/82 @ 9:30 AM (Counts 1, 3-5) (GOVT ORALLY MOVES FOR A CONT OF THE TRIAL FOR 30 DAYS, CRT GRNTS THE GOVT MOTN. THE TRIAL IS ORD CONTD. CRT FINDS THAT THE TIME FRM 10/28 to 11/12 IS EXCLUDABLE UNDER THE SPEEDY TRIAL ACT DUE TO DISCV MOTNS. (NO CR 73 SUBMTD THIS TIME). THE GOVT IS INSTRUCTED TO PP A FORMAL ORD OF EXCLUDABLE TIME & THE CONT OF THE TRIAL DATE.) (JUDGE TASHIMA) (Doc: 39) (Dkt'd 01/21/82).

- Status hearing set for 02/08/82 @ 10:00 AM (IF THE GOVT FILES A NOTC OF APPEAL PRIOR TO THAT DATE, THE STAT CONF WILL BE DEEMED OFF CAL.) (JUDGE TASHIMA) (Doc: 39) (Dkt'd 01/21/82).
- 01/22/82 Order filed (FLD ORDER RE: EXCLUSION OF TIME AND CONT OF TRIAL DATE) (JUDGE TASHIMA) (Doc: 40) (Dkt'd 02/01/82).
 - Excludable delay due to hearings on Pretrial Motions began on 10/28/81 and ended on 11/12/81 (JUDGE TASHIMA) (Doc: 41) (Dkt'd 02/01/82).
- 02/05/82 FLD GOVT EX PARTE APPL FOR ORD SHORT TI, DECLAR. (Doc: 42) (Dkt'd 02/09/82).
 Order filed (RE GOVT ORD SHRT TI, TO FLE
 - Order filed (RE GOVT ORD SHRT TI, TO FLE MTN TO RECONSIDER.) (JUDGE TASHIMA) (Doc: 43) (Dkt'd 02/09/82).
 - Motion filed (MOT#8) (FLD GOVT NOTICE OF MTN & MTN TO RECONSIDER RULING SUPPRESSING EVIDENCE, MEMO OF P/A, EXHIBIT. RETRNBL 2/8/82 @ 10AM.) (Doc: 44) (Dkt'd 02/09/82).
- 02/08/82 Status hearing held (RE GOT MTN FOR RECONSID OF RULING SUPPRESS EVID. GOVT REQUEST AN ORD EXCLUD TI. CRT DIR GOVT TO PREPARE A FORMAL ORD FOR EXCLUS OF TI.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).
 - Motion denied (MOT#8) (RE GOVT MTN FOR RECONSID.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).
 - Order filed (CRT ORD TRIAL DATE VACATED AT TI NOTC OF APPEAL IS FILED.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).
- 02/09/82 Filed notice of interlocutory appeal (APPL#1) (FLD GVT NOTC OF AP RE ORD GRANT IN PART MTNS TO SUPPRESS.) (Doc: 45) (Dkt'd 02/11/82).
 - Trial date stricken (Counts 1, 3-5) (RE CRT ORD TO VACATE TRIAL DATE AT TIME OF NOTC OF APPEAL FILING.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).
- 02/12/82 Order filed (RE EXCLUSION OF TI.) (JUDGE TASHIMA) (Doc: 46) (Dkt'd 02/16/82).

TASHIMA) (Doc: 47) (Dkt'd 02/16/82).

Excludable delay due to hearings on Pretrial Motions began on 02/05/82 and ended on 02/08/82 (JUDGE

- 02/18/82 Filed transcript of proceedings for 02/08/82 (Doc: 50) (Dkt'd 02/22/82). -(APPL#1) (FLD NTC TO APPEAR BF A MAG. 02/22/82 3/3/82 RETNB (a) 9:05AM BF TASSOPULOS) (Doc: 51) (Dkt'd 02/23/82.) -(APPL#1) (FLD TRANSCRIPT DESIGNATION 02/23/82 AND ORDG FORM) (Doc: 52) (Dkt'd 02/23/82). 03/12/82 Filed designation for record on appeal (LDGD USCA ORD FOR TIME SCHED ON GOVT INTERLOC APPEAL) (Doc: 53) (Dkt'd 03/15/82). 04/06/82 -(APPL#1) (FLD ORIG RPTR'S TRNSCRPT FOR PROC HAD ON 1-11-82, 1-12-82.) (Dkt'd 04/13/82). Defendant: DEL CASTILLO, RICHARD ALBERT Defendant arrested (Dkt'd 09/25/81). 09/21/81 Defendant's first appearance (Dkt'd 09/25/81) 09/22/81 Filed magistrate complaint (MAGISTRATE GEFFEN) (Doc: 1) (Dkt'd 09/25/81). Arraignment on magistrate complaint held (DEFT ARRND & COMM TO CUST USM. CRT APPTD JAMES, CJA, AS CNSL.) (MAGISTRATE GEFFEN) (Dkt'd 09/25/81). Order corporate surety/cash or in the alternative, personal appearance bail set in the amount of \$50,000.00 (W/5% DEP, FULL JUSTIF, INT PSA SUPV. RESTR TO LA CTY) (MAGIS-TRATE GEFFEN) (Dkt'd 09/25/81).
 - ISTRATE KRONENBERG) (Dkt'd 10/02/81).

 10/02/81 Filed indictment (MAGISTRATE KRONENBERG) (Doc: 2) (Dkt'd 10/06/81).

09/30/81

TRATE GEFFEN) (Dkt'd 09/25/81).

Order corporate surety/cash bail set in the amount of \$50,000.00 (MAGISTRATE KRONENBERG) (Dkt'd 10/06/81).

Preliminary examination set for 10/02/81 @ 4:30 PM (PIA SET FOR 10/13/81 @ 8:30AM) (MAGIS-

Filed corporate surety bond in the amount of \$50,000.00 (W/SURN OF PASSPORT W) (MAG-

- U.S. Attorney to issue notice to appear for arraignment (MAGISTRATE KRONENBERG) (Dkt'd 10/06/81).
- —FLD CR72 BY AUSA SAYERS, DFT IN CUSTODY IN TI, SOLELY ON THIS CHARGE.
 DATE AND TIME OF ARREST 9/21/81. (Doc: 6)
 (Dkt'd 10/06/81).
- 10:13/81 Arraignment held (Counts 1, 3-5) (DFT ADVISED OF RIGHTS, DFT IS ARRGN & STATES TRUE NAME IS AS CHARGED IN INDICT.) (MAGISTRATE REICHMANN) (Doc: 7) (Dkt'd 10/21/81).
 - Order appointing attorney LICHTMAN, JAY to represent defendant (FLD CJA FRM 23) (MAGISTRATE REICHMANN) (Doc: 7) (Dkt'd 10/21/81).
 - Defendant appears with counsel (MAGISTRATE REICHMANN) (Doc: 7) (Dkt'd 10/21/81).
 - Arraignment and plea continued to 10/13/81 @ 3:00 .
 PM (Counts 1, 3-5) (MAGISTRATE REICHMANN) (Doc: 7) (Dkt'd 10/21/81).
 - Arraignment held (Counts 1, 3-5) (DFT STATE TRUE NAME AS CHARGED.) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
 - Defendant enters plea of not guilty (Counts 1, 3-5) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
 - Trial date set for 12/09/81 @ 9:30 AM (Counts 1, 3-5) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
 - Pre-trial motions to be filed by 11/19/81 (Counts 1, 3-5) (ALL SUPPRESSION MTN SHALL BE FLD NLT) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81),
 - Hearing on pre-trial motions set for 12/08/81 @ 9:30 AM (Counts 1, 3-5) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
 - Government to answer by 11/25/81 (RE OPPOSITION TO THE SUPPRESSION MTN) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
 - Defendant to file reply to government's answer to pre-trial motions by 12/02/81 (RE GOVT OPPOSITION TO THE SUPPRESSION MNT.) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).

- Status hearing set for 11/12/81 @ 9:00 AM (ANY OTHER PRELIMINARY MOTHS SHALL BE FLD NLT 10/30/81. OPPOSITION TO PRELIM NTN IS DUE BY 11/6/81. GOVERN & DFTS CNSL ARE TO HOLD A DISC CONFERENCE WITHIN NEXT 10 DAYS.) (JUDGE TASHIMA) (Doc: 9) (Dkt'd 10/21/81).
- 10/30/81 Motion to produce/inspect grand jury testimony filed (MOT#2) (Counts 1, 3-5) (FLD DFT NOTC OF MOTN & MOTN FOR P/T DISCV OF G/J TEST: MEMO OF P&A:DECLARA, RETNBL 11/12/81, 9AM.) (Doc: 15) (Dkt'd 11/03/81.)
 - -(MOT#2) (FLD DFT MOTN FOR & IN SUPPLMT TO MOTN FOR P/T DISCV OF INFORMANT INFORMATION, DECLARA, RETNBL 11/12/81, 9AM.) (Doc: 16) (Dkt'd 11/03/81).
 - Joinder in Motion to reveal identity of informant (MOT#1) (Count 1) (FLD DFT MOTN FOR JOIN IN DFT STEWART MOTN FOR REVEAL IDENTITY OF INFORMANT FOR DISCLOSURE OF INFORMANT FOR DISCLOSURE OF INFORMANT INFO., RETNBL 11/12/81, 9AM.) (Doc: 16) (Dkt'd 11/03/81).
- 11/06/81 Memorandum in opposition to motion to reveal identity of informant (MOT#1) (FLD GOVT OPP TO MTN TO DISCLOSE IDENT OF CONFID INFORMAN'T, MEMO OF P/A. RETRNBL 11/12/81 @ 9AM) (Doc: 21) (Dkt'd 11/16/81).
- OF INFORMANT INFO, MTN FOR PRE
 TRIAL DISC OF G/J TEST, MTN OF DFT
 DANCHEZ [sic] FOR CONT OF TRIAL. CRT
 ORD ANY MTN TO SUPPRESS SHALL BE
 FILED BY 12/28/81, GOVT SHALL RESP BY
 1/5/82 2PM. CRT ORD GOVT SHALL TURNOVER TO THE DFT ALL JAENCKS [sic] ACT
 STATEMNTS BY 12/22/81, MOT TO SUPPRESS
 SET FOR 1/11/82 @ 2PM.) (JUDGE TASHIMA)
 (Doc: 23) (Dkt'd 11/18/81).
 - Motion to reveal identity of informant denied (MOT#1) (JUDGE TASHIMA) (Doc: 23) (Dkt'd 11/18/81).

- Motion to produce/inspect grand jury testimony granted (MOT#2) (RE PRE-TRIAL DISC OF G/J TEST CRT ORD DISCLOSURE OF G/J BE DISCLOSED BY 12/15/81.) (JUDGE TASHIMA) (Doc: 23) (Dkt'd 11/18/81).
- Trial date continued to 01/12/81 [sic] @ 9:30 AM (Counts 1, 3-5) (JUDGE TASHIMA) (Doc: 23) (Dkt'd 11/18/81).
- Excludable delay based on finding the ends of justice served by continuance began on 11/10/81 and ended on 01/12/82 (CONT GRANT IN ORD TO OBT OR SUBS CNSL OR GIVE REASONABLE TI TO PREPARE.) (JUDGE TASHIMA) (Dkt'd 11/18/81).
- 11/19/81 Order filed (FLD ORD FOR CONT OF TRIAL & EXCLUD TI.) (JUDGE TASHIMA) (Doc: 24) (Dkt'd 11/24/81).
 - Trial date continued to 01/12/82 (Counts 1, 3-5) (JUDGE TASHIMA). (Doc: 24) (Dkt'd 11/24/81).
 - Hearing on pre-trial motions continued to 01/11/82 @ 2:00 PM (Counts 1, 3-5) (ORD THAT GOVT DISCLOSE ALL GRAND JRY TRANS BY 12 PTRMOTHRGS RE ALL SUPPRESION MTNS.) (JUDGE TASHIMA) (Doc: 24) (Dkt'd 11/24/81).
 - Excludable delay based on finding the ends of justice served by continuance began on 11/12/81 and ended on 01/12/82 (CONT GRANTED IN ORD TO OBT OR SUBS CONSL, OR GIVE REASONABL TI TO PREPARE.) (JUDGE TASHIMA) (Doc: 25)(Dkt'd 11/24/81).
- 12/28/81 Joinder in Motion to dismiss (MOT#6) (Counts 1, 3-5) (FLD DFT NOTC OF MOT FOR JOINDER IN MOT/DISM FLD 12/23/81) (Doc: 30) (Dkt'd 12/29/81).
 - Motion to suppress evidence filed (MOT#7) (Counts 1, 3-5) (FLD DFT NOTC & MOT/SUPPRESS EVID, P/A, DECLS, APPENDICES. RETRNBL 1-11-82 @ 2PM) (Doc: 31) (Dkt'd 12/29/81).
- 01/05/82 —FLD GVT'S JOINT RESPNS TO DEFENXE
 MOT TO DISMISS & TO SUPPRESS EVIDENCE, MEMO OF P/A, DECLARATN.

RETRNBL 1/11/82, 2PM. (Doc: 32) (Dkt'd 01/06/82).

01/07/82 Filed trial memorandum (Counts 1, 3-5) (BY GOVT.) (Doc: 33) (Dkt'd 01/11/82).

Filed government's proposed jury instructions (Counts 1, 3-5) (Doc: 34) (Dkt'd 01/11/82).

01/11/82 Motion to dismiss denied (MOT#6) (JUDGE TASHIMA) (Doc: 35) (Dkt'd 01/21/82).

Motion to suppress evidence granted in part: denied in part (MOT#7) (CRT FINDS THE S/W DID NOT SHOW SUFFICIENT PROBABLE CAUSE & ORD THE MOTN TO SUPPRESS GRNTD IN PART & DEN IN PART.) (JUDGE TASHIMA) (Doc: 35) (Dkt'd 01/21/81).

Status hearing held (HRG HLD RE: DFT SMOTNS TO SUPPRESS & TO DISM. CRT CONT MATT FOR TRIAL OR STAT CONF. FLD WITN LIST.) (JUDGE TASHIMA) (Doc: 35) (Dkt'd 01/21/82).

Status hearing continued to 01/12/82 @ 3:00 PM (FOR TRIAL OR STAT CONF.) (JUDGE TASHIMA) (Doc: 35) (Dkt'd 01/21/82).

01/12/82 Status hearing held (JUDGE TASHIMA) (Doc: 39) (Dkt'd 01/21/82).

Trial date set for 02/16/82 @ 9:30 AM (Counts 1, 3-5) (GOVT ORALLY MOVES FOR A CONT OF THE TRIAL FOR 30 DAYS. CRT GRNTS THE GOVT MOTN. THE TRIAL IS ORD CONTD. CRT FINDS THAT THE TIME FRM 10/28 TO 11/12 IS EXCLUDABLE UNDER THE SPEEDY TRIAL ACT DUE TO DISCV MOTNS. (NO CR 73 SUBMTD THIS TIME). THE GOVT IS INSTRUCTED TO PP A FORMAL ORD OF EXCLUDABLE TIME & THE CONT OF THE TRIAL DATE.) (JUDGE TASHIMA) (Doc: 39) (Dkt'd 01/21/82).

Status hearing set for 02/08/82 @ 10:00 AM (IF THE GOVT FILES A NOTC OF APPEAL PRIOR TO THAT DATE, THE STAT CONF WILL BE DEEMED OFF CAL.) (JUDGE TASHIMA) (Doc: 39) (Dkt'd 01/21/82).

Order filed (FLD ORDER RE: EXCLUSION OF 01/22/82 TIME AND CONT OF TRIAL DATE) (JUDGE TASHIMA) (Doc: 40) (Dkt'd 02/01/82).

> Excludable delay due to hearings on Pretrial Motions began on 10/28/81 and ended on 11/12/81 (JUDGE TASHIMA) (Doc: 41) (Dkt'd 02/01/82).

-FLD GOVT EX PARTE APPL FOR ORD 02/05/82 SHORT TI, DECLAR. (Doc: 42) (Dkt'd 02/09/82).

> Order filed (RE GOVT ORD SHRT TI, TO FLE MTN TO RECONSIDER.) (JUDGE TASHIMA) (Doc: 43) (Dkt'd 02/09/82).

> Motion filed (MOT#8) (FLD GOVT NOTICE OF MTN & MTN TO RECONSIDER RULING SUP-PRESSING EVIDENCE, MEMO OF P/A, EX-HIBIT, RETRNBL 2/8/82 @ 10AM.) (Doc: 44) (Dkt'd 02/09/82).

Status hearing held (RE GOVT MTN FOR RECONSID OF RULING SUPPRESS EVID. GOVT REQUEST ORD EXCLUD TI. CRT DI-RECTS GOVT TO PREPARE A FORMAL ORD FOR EXCLUSION OF TI.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).

> Motion denied (MOT#8) (RE GOVT MTN FOR RECONSID.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).

> Order filed (CRT ORD TRIAL DATE VACATED AT TI NOTC OF APPEAL IS FILED.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).

02/09/82 Filed notice of interlocutory appeal (APPL#1) (FLD GOVT NOTC OF AP RE ORD GRANT IN PART MTNS TO SUPPRESS.) (Doc: 45) (Dkt'd 02/11/82).

> Trial date stricken (Counts 1, 3-5) (RE ORD VACATING TRIAL DATE AT TI OF NOTC OF APPEAL.) (JUDGE TASHIMA) (Doc: 48) (Dkt'd 02/16/82).

02/12/82 Order filed (RE EXCLUSION OF TI.) (JUDGE TASHIMA) (Doc: 46) (Dkt'd 02/16/82).

> Excludable delay due to hearings on Pretrial Motions began on 02/05/82 and ended on 02/08/82 (JUDGE TASHIMA) (Doc: 47) (Dkt'd 02/16/82).

02/08/82

02/18/82	Filed transcript of proceedings for 02/08/82 (Doc: 50) (Dkt'd 02/22/82).
02/22/82	—(APPL#1) (FLD NTC TO APPEAR BF A MAG. RETNB 3/3/82 @ 9:05AM BF MAG TASSOPULOS) (Doc: 51) (Dkt'd 02/23/82).
02/23/82	-(APPL#1) (FLD TRANSCRIPT DESIGNATION AND ORDG FORM) (Doc: 52) (Dkt'd 02/23/82).
03/12/82	Filed designation for record on appeal (LDGD USCA ORD FOR TIME SCHED ON GVT INTRLOC APPEAL) (Doc: 53) (Dkt'd 03/15/82).
04/06/82	—(APPL#1) (FLD ORIG RPTR'S TRNSCRPT FOR PROC HAD ON 1-11-82, 1-12-82.) (Dkt'd 04/13/82).

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

JUNE 1981 GRAND JURY

CR 81-907

UNITED STATES OF AMERICA, PLAINTIFF,

v.

ALBERTO ANTONIO LEON, ARMANDO LAZARO SANCHEZ, PATSY ANN STEWART, RICARDO ALBERT DEL CASTILLO, DEFENDANTS.

INDICTMENT

(21 U.S.C. * 846: Conspiracy to Distribute and Possess with Intent to Distribute Narcotic Drug Controlled Substance; 21 U.S.C. §841(a)(1): Possession with Intent to Distribute Narcotic Drug Controlled Substance)

The Grand Jury charges:

COUNT ONE (21 U.S.C. \$846)

Beginning on or about a date unknown to the Grand Jury and continuing until on or about September 21, 1981, within the Central District of California, defendants ALBERTO ANTONIO LEON, ARMANDO LAZARO SANCHEZ, PATSY ANN STEWART, and RICARDO ALBERT DEL CASTILLO combined, confederated and conspired together, to commit offenses against the United States in violation of Title 21, United States Code, Section 841(a)(1), namely:

1. Knowingly and intentionally to distribute cocaine, a schedule II narcotic drug controlled substance; and

2. Knowingly and intentionally to possess with intent to distribute cocaine.

It was part of the conspiracy that the defendants would maintain the condominium at 7902 Via Magdelena, Los Angeles, California, as a storage area for controlled substances that would be distributed by the defendants. Defendant RICARDO ALBERT DEL CASTILLO would at times reside at the condominium for security purposes. DEL CASTILLO would also transport cocaine from that location to the residence of defendants ARMANDO LAZARO SANCHEZ and PATSY ANN STEWART and the residence of defendant ALBERTO ANTONIO LEON. Thereafter, cocaine would be delivered or sold to prospective purchasers.

In order to effect the objects of the conspiracy, defendants Alberto Antonio Leon, Armando Lazaro Sanchez, Patsy Ann Stewart, and Ricardo Albert Del Castillo committed various overt acts within the Central District of California, and elsewhere, among which were the following:

- 1. On or about August 24, 1981, defendant RICARDO ALBERT DEL CASTILLO drove to 620 Price Drive, Burbank, California.
- 2. On or about August 28, 1981, defendant RICARDO ALBERT DEL CASTILLO drove to 7902 Via Magdelena, Los Angeles, California, and returned to 620 Price Drive, Burbank, California.
- 3. On or about August 28, 1981, in Los Angeles, California, defendant ARMANDO LAZARO SANCHEZ drove to 716 South Sunset Canyon, Burbank, California.
- 4. On or about September 11,1981, defendants ARMANDO LAZARO SANCHEZ and PATSY ANN STEWART drove to Los Angeles International Airport.
- 5. On or about September 11, 1981, defendant ARMANDO LAZARO SANCHEZ traveled from Los Angeles, California to Miami, Florida.
- 6. On or about September 15, 1981, defendants PATSY ANN STEWART and RICARDO ALBERT DEL CASTILLO drove to Los Angeles International Airport.
- 7. On or about September 15, 1981, defendant PATSY ANN STEWART traveled from Los Angeles, California to Miami, Florida.
- 8. On or about September 19, 1981, defendants ARMANDO LAZARO SANCHEZ and PATSY ANN STEWART traveled together from Miami, Florida to Los Angeles, California.

- On or about September 20, 1981, defendant RICARDO ALBERT DEL CASTILLO drove to 716 South Sunset Canyon, Burbank, California.
- 10. On or about September 21, 1981, defendants Alberto Antonio Leon, Armando Lazaro Sanchez, Patsy Ann Stewart and Ricardo Albert Del Castillo possessed quantities of cocaine.

COUNT TWO (21 U.S.C. §841(a)(1))

On or about September 21, 1981, in Los Angeles County, within the Central District of California, defendant ALBERTO ANTONIO LEON knowingly and intentionally possessed with intent to distribute approximately 406.7 grams of cocaine, a schedule II narcotic drug controlled substance.

COUNT THREE (21 U.S.C. §841(a)(1))

On or about September 21, 1981, in Los Angeles County, within the Central District of California, defendants Alberto Antonio Leon, Armando Lazaro Sanchez, Patsy Ann Stewart, and Ricardo Albert Del Castillo knowingly and intentionally possessed with intent to distribute approximately 1,888.4 grams of cocaine, a schedule II narcotic drug controlled substance.

COUNT FOUR (21 U.S.C. §841(a)(1))

On or about September 21, 1981, in Los Angeles County, within the Central District of California, defendants Alberto Antonio Leon, Armando Lazaro Sanchez, Patsy Ann Stewart, and Ricardo Albert Del Castillo knowingly and intentionally possessed with intent to distribute approximately 1,165 tablets of Methaqualone, a schedule II controlled substance.

COUNT FIVE (21 U.S.C. §841(a)(1))

On or about September 21, 1981, in Los Angeles county, within the Central District of California, defendants Armando Lazaro Sanchez, Patsy Ann Stewart, and RICARDO ALBERT DEL CASTILLO knowingly and intention-

ally possessed with intent to distribute approximately 27.9 grams of cocaine, a schedule II narcotic drug controlled substance.

A TRUE BILL

Foreperson

ANDREA SHERIDAN ORDIN United States Attorney

Search Warrant No. 5380 STATE OF CALIFORNIA COUNTY OF LOS ANGELES

SEARCH WARRANT

PEOPLE OF THE STATE OF CALIFORNIA to any sheriff, policeman or peace officer in the County of Los Angeles: PROOF by affidavit having been made before me by C.A. ROMBACH that there is probable cause to believe that the property described herein may be found at the locations set forth herein and that it falls within those grounds indicated below by "x"(s) in that it:

___ was stolen or embezzled

xx was used as the means of committing a felony

xx is possessed by a person with the intent to use it as a means of committing a public offense or is possessed by another to whom he may have delivered it for the purpose of concealing it or preventing its discovery

xx is evidence which tends to show that a felony has been committed or a particular person has committed a felony;

you are therefore COMMANDED to SEARCH 620 Price Drive, City of Burbank, County of Los Angeles, State of California which is described as a one story single family dwelling, located on the South East corner of Price Drive and Jolley. The residence is constructed of stucco with wood and used brick trim. The stucco is painted a medium green and the wood trim is painted white. The residence [h]as a wainscoat of used brick across the front of the residence. The front door, which faces North, is of wood and glass construction. The upper half is diamond shaped windows and the lower half is solid wood. The door is painted white. Just to the right of the front door is a wooden plate, approximately 8" x 18", which is painted white, affixed to this plate are raised black metal numbers "620". Including all rooms, attics, basements, and other parts therein, the surrounding grounds and any garages, storage rooms, trash containers, and outbuildings of any kind located thereon.

Also to be searched is 716 South Sunset Canyon, City of Burbank, County of Los Angeles, State of California which is described as a one story single family dwelling located on the North East corner of Sunset Canyon and Elmwood. The residence is constructed of wood and is painted beige with dark blue trim and shutters. It has a light brown composition shingle roof. The West and South side of the property, has a 3' cide block retaining wall with 18" x 3" pillars, on top every 8'. The retaining wall and each pillar is capped with red stone. The front door is solid wood and is painted the same dark blue as the trim. Including all rooms, attics, basements, and other parts therein, the surround grounds and any garages, storage rooms, trash containers, and outbuildings of any kind thereon.

Also to be searched is 7902 Via Magdelena, City of Los Angeles, County of Los Angeles, State of California; further described as one condominium unit in eight unit condominum building. 7902 Via Magdelena is of stucco construction off-white in color with brown wood trim. The metalic numbers 7902 are affixed to the upper right of the garage door. The garage door faces north and is brown in color. The numbers 7902 are affixed above the front door

which faces south.

Also to be searched, the following vehicles:

(1) A 1980 Chevrolet Corvette, white in color, bearing California License number 019ZSZ which is registered to ARMANDO L. SANCHEZ 1145 Allen Ave., Glendale 91201. Vehicle is believed to be at or near 620 N. Price.

(2) A 1979 Pontiac, white in color, bearing California License number 620XIS which is registered to PATSY A. STEWART 620 Price Drive, Burbank, CA 91504. This ve-

hicle is believed to be at or near 620 Price Drive.

(3) A 1979 Mercedes Benz, silver in color, bearing California License number 987WZA which is registered to ALBERT A. LEON, P.O. Box 5163, Glendale, CA 91201. Vehicle is believed to be at or near 716 South Sunset Canyon.

(4) A 1978 Pontiac, Maroon in color, bearing California License number 358TSU which is registered to RICK A. DEL CASTILLO. The vehicle is believed to be at or near

620 Price Drive, Burbank.

FOR THE FOLLOWING PROPERTY: Cocaine and Methaqualone, (commonly referred to as quallude) and narcotics paraphernalia consisting in part of and including, but not limited to, scales and other weighing devices, balloons, condoms, paper bindles, measuring devices, and containers. Commonly associated with the storage and use of Cocaine and Methaqualone, and articles of personal property tending to establish and document sales of Cocaine and Methaqualone consisting in part of and including, but not limited to, U.S. Currency, buyer lists, seller lists and recordations of sales; and articles of personal property tending to establish the existence of a conspiracy to sell Cocaine and Methaqualone, consisting in part of and including, but not limited to, personal telephone books, address books, telephone bills, papers and documents containing lists of names; and articles of personal property tending to establish the identity of persons in control of premises vehicles. storage areas or containers being searched consisting in part of and including, but not limited to, utility company receipts, rent receipts, addressed envelopes, and keys.

and to SEIZE it if found and bring it forthwith before me, or this court, at the courthouse of this court.

Good cause having been shown by affidavit, you may do such of the following as bear my initials.

You may serve this Warrant at anytime of the day or night, according to Penal Code Section 1533.

GIVEN under my hand and dated this 21 day of Sept. 1981.

/s/ Thomas C. Murphy
Thomas C. Murphy
Magistrate

Judge of the Superior Court

Search Warrant No.

STATE OF CALIFORNIA COUNTY OF LOS ANGELES AFFIDAVIT FOR SEARCH WARRANT

On the basic of his personal knowledge, as set forth in the attachments hereto, and on the basis of the information contained in these attachments, C.A. ROMBACH being duly sworn deposes and says, that the property described hereinafter falls within those grounds indicated below by "x"(s) in that it:

____ was stolen or embezzled

xx was used as the means of committing a felony

xx is possessed by a person with the intent to use it as a means of committing a public offense or is possessed by another to whom he may have delivered it for the purpose of concealing it or preventing its discovery

xx is evidence which tends to show that a felony has been committed or a particular person has committed a felony;

and requests the issuance of a warrant to SEARCH 620 Price Drive, City of Burbank, County of Los Angeles, State of California which is described as a one story single family dwelling, located on the South East corner of Price Drive and Jolley. The residence is constructed of stucco with wood and used brick trim. The stucco is painted a medium green and the wood trim is painted white. The residence Ihlas a wainscoat of used brick across the front of the residence. The front door, which faces North, is of wood and glass construction. The upper half is diamond shaped windows and the lower half is solid wood. The door is painted white. Just to the right of the front door is a wooden plate, approximately 8" x 18", which is painted white, affixed to this plate are raised black metal numbers "620". Including all rooms, attics, basements, and other parts therein, the surrounding grounds and any garages, storage rooms, trash containers, and outbuildings of any kind located thereon.

Also to be searched is 716 South Sunset Canyon City of Burbank, County of Los Angeles, State of California which is described as a one story single family dwelling located on the North East corner of Sunset Canyon and Elmwood. The residence is constructed of wood and is painted beige with dark blue trim and shutters. It has a light brown composition shingle roof. The West and South side of the property, has a 3' cider block retaining wall with 18" x 3' pillars, on top, every 8'. The retaining wall and each pillar is capped with red stone. The front door is solid wood and is painted the same dark blue as the trim. Including all rooms, attics, basements, and other parts therein, the surround grounds and any garages, storage rooms, trash containers, and out-buildings of any kind thereon.

Also to be searched is 7902 Via Magdelena, City of Los Angeles, County of Los Angeles, State of California; further described as one condominium unit in eight unit condominium building. 7902 Via Magdelena is of stucco construction off-white in color with brown wood trim. The metalic numbers 7902 are affixed to the upper left of the garage door. The garage door faces north and is brown in color. The numbers 7902 are affixed above the front door which

faces south.

Also to be searched, the following vehicles:

(1) A 1980 Chevrolet Corvette, white in color, bearing California License number 019ZSZ which is registered to ARMANDO L. SANCHEZ 1145 Allen Ave., Glendale 91201. Vehicle is believed to be at or near 620 N. Price.

(2) A 1979 Pontiac, white in color, bearing California License number 620XIS which is registered to PATSY A. STEWART 620 Price Drive, Burbank, CA 91504. This ve-

hicle is believed to be at or near 620 Price Drive.

(3) A 1979 Mercedes Benz, silver in color, bearing California License number 987WZA which is registered to ALBERT A. LEON, P.O. Box 5163, Glendale, CA 91201. Vehicle is believed to be at or near 716 South Sunset Canyon.

(4) A 1978 Pontiac, Maroon in color, bearing California License number 358TSU which is registered to RICK A. DEL CASTILLO. The vehicle is believed to be at or near

620 Price Drive, Burbank.

FOR THE FOLLOWING PROPERTY: Cocaine and Methaqualone, (commonly referred to as quallude) and narcotics paraphernalia consisting in part of and including, but not limited to, scales and other weighing devices, balloons, condoms, paper bindles, measuring devices, and containers. Commonly associated with the storage and use of Cocaine and Methaqualone, and articles of personal property tending to establish and document sales of Cocaine and Methaqualone consisting in part of and including, but not limited to, U.S. Currency, buyer lists, seller lists and recordations of sales; and articles of personal property tending to establish the existence of a conspiracy to sell Cocaine and Methaqualone, consisting in part of and including, but not limited to, personal telephone books, address books, telephone bills, papers and documents containing lists of names; and articles of personal property tending to establish the identity of persons in control of premises vehicles, storage areas or containers being secured consisting in part of and including, but not limited to, utility company receipts, rent receipts, addressed envelopes, and keys.

The following attachments are incorporated by reference as though set forth herein haec verba:

Probable cause for search (see Attachment(s) No(s). ____)

Nighttime service request (see Attachment No. ____)

/s/ C. A. Rombach
Affiant

Subscribed and sworn to before me this 21 day of Sept., 1981.

/S/ Thomas C. Murphy
Thomas C. Murphy
Magistrate

Judge of the Superior Court

WHEREFORE, it is prayed that a Search Warrant be issued.

JOHN K. VAN DE KAMP District Attorney

By

Deputy District Attorney

STATEMENT OF PROBABLE CAUSE

On August 18, 1981 your affiant was contacted by a confidential informant who stated that the male and female living at 620 Price Prive in Burbank were large scale dealers of the drugs Cocaine and Methaqualone (Quaalude). The informant stated the male subject known to him/her only as "ARMANDO" sold Cocaine in nothing smaller than one-half pound quantities, while the female known to him/her as "PATSY" sold Methaqualone tablets in quantities not smaller than one hundred at a time.

The informant told your affiant that "ARMANDO" was living at the 620 Price Drive address with "PATSY" who actually owned the house. The informant stated "AR-MANDO" drove a newer model Chevrolet Corvette, white in color, while "PATSY" drove a late model Pontiac, white in color, with accident damage to the left front fender. The informant along with your affiant drove with your affiant to 620 Price Drive and stated this was the house in which "ARMANDO" and "PATSY" lived, and from which they carried on their drug sales. The informant told your affiant that he/she had been present in the house approximately five months ago and personally observed a sale of five hundred Methaqualone tablets take place between "PATSY" and another person. The informant stated he/she also observed between \$50,000.00 and \$100,000.00 in cash in a shoebox belonging to "PATSY" at the time of the aforementioned transaction. The informant stated "PATSY" and "ARMANDO" would normally only keep relatively small amounts of drugs in their house while the rest was kept at another location somewhere in the "hill area" of Burbank.

On August 19, 1981 your affiant drove by 620 Price and obtained the license numbers of a 1980 Chevrolet, white in color, California license number 019ZSZ and a 1979 Pontiac, white in color, California license number 620XIS. Both vehicles were parked on the street directly in front of 620 Price. The Pontiac had T/A damage to the left front fender.

Your affiant ascertained thru official Department of Motor Vehicles records that the Corvette is registered to

ARMANDO L. SANCHEZ, while the Pontiac is registered to PATSY A. STEWART.

DMV records show California drivers license number E094441 is issued to ARMANDO LAZARO SANCHEZ. SANCHEZ is described as a male 5' 11", 205 pounds, black hair, black eyes, date of birth 10-25-54. DMV records also show that California drivers license number M0982987 is issued to PATSY ANN STEWART, aka: PATSY ANN DAVILA. STEWART is described as female 5' 4", 125 pounds, blond hair, blue eyes, date of birth 10-21-40.

Your affiant could not locate a criminal record in California for either SANCHEZ or STEWART. Your affiant contacted the United States Drug Enforcement Administration and ascertained that ARMANDO LAZARO SANCHEZ, date of birth 10-25-54 was detected in possession of \$20,000.00 at Miami International Airport on 11-15-77. On 12-30-78 SANCHEZ and five other persons were arrested in Miami in possession of Marijuana. The Drug Enforcement Administration had no record on STEWART.

Your affiant along with other officers of the Burbank Police Department began conducting a surveillance of the Price Drive address on a time available basis.

On August 24, 1981 your affiant and Detective J. Bonar conducted a surveillance of 620 Price Drive beginning at about 1300 hours. Both the aforementioned Corvette and Pontiac were present. At approximately 1345 hours a 1978 Pontiac, maroon in color, California license number 358TSU arrived and parked in front of 620 Price Drive. A male Latin exited the vehicle and entered the Price Drive residence. At approximately 1355 hours the same male subject exited the residence carrying a small brown paper sack. The male subject walked to his vehicle where he opened the trunk and placed the paper sack inside. The male then entered the vehicle and drove away. Your affiant and Detective Bonar attempted to follow the vehicle but were unsuccessful.

Your affiant ascertained thru DMV records that California license number 358TSU registers to RICARDO A. DELCASTILLO. DMV records indicate California drivers license number NO813379 is issued to RICARDO

ALBERTO DELCASTILLO. DELCASTILLO is described as a male, 5' 11", 160 pounds, brown hair, brown

eves, date of birth 11-27-52.

Your affiant ascertained thru official California Department of Justice Records that DELCASTILLO was on probation in California until March 1981 for a narcotic violation which occurred in Miami Florida on 1-30-79. Your affiant personally viewed DELCASTILLO'S probation file at the Hall of Records in Los Angeles, California. This probation file indicates that RICARDO DELCASTILLO, date of birth 11-27-52 was arrested by Narcotic Agents at Miami International Airport on 1-30-79 attempting to board an aircraft for Los Angeles. At the time of his arrest DELCASTILLO had fifty pounds of Marijuana in his luggage. The probation file indicates DELCASTILLO'S probation was transferred to California where it expired 3-19-81. Probation records show that DELCASTILLO was employed by Phoenix Enterprises Company, 320 Stocker, Glendale, California, phone 956-0548, while on probation.

Your affiant ascertained thru phone company records that phone number 956-0548 is listed to ALBERT LEON,

320 Stocker, Glendale.

Your affiant has personal knowledge that ALBERT A. LEON, male Latin, 6' 0', 210 pounds, black hair, brown eyes, date of birth 2-19-55, was arrested by officers of the Burbank Police Department on April 4, 1980. At the time of his arrest LEON was in the company of three other persons. All four were arrested for violation of 11350 H&S. A small amount of Cocaine and 279 Methaqualone tablets were seized during this investigation. At the time of arrest LEON furnished Burbank Police Department officers with the following information: residence, 320 E. Stocker #320, Glendale, home phone 956-0548, Business name and address, Phoenix Enterprise Company, 320 Stocker, phone 956-0548. The Los Angeles County District Attorney declined prosecution of LEON, however, one subject was charged and subsequently convicted.

At the time of LEON'S arrest a female by the name of KATHLEEN J. WOLSIC, date of date 1-28-55 was also arrested. Your affiant personally interviewed WOLSIC at Burbank Police Department City Jail. WOLSIC told your affiant that she could not give any information concerning the persons involved as LEON was very heavily involved with the "Cuban Mafia" and the importation of drugs into this country. WOLSIC feared being killed if she cooperated with the police.

During the last week of July 1981 your affiant was contacted by Glendale Police Department Narcotic Officer Tim Spruill who advised that he had information from an informant that ALBERT LEON had several thousand Quaalude tablets in his reisdence on Stocker in Glendale. Spruill had noticed the Burbank Police Department arrest on LEON'S record and contacted your affiant to ascertain if any additional information was available.

During the last week of August 1981 your affiant ascertained from Glendale Police Department narcotics officers that their informant would not make a buy from LEON. Your affiant was told that LEON was now living at 716 S. Sunset Canvon in Burbank.

Your affiant ascertained thru Burbank Public Service Department records that the utilities at 716 S. Sunset are listed to ALBERT LEON. Your affiant also ascertained that phone number 843-5834 is listed to ALBERT LEON at 716 S. Sunset Canyon.

Your affiant personally viewed the Department of Justice arrest record on ALBERT LEON. This record indicates among other arrests that LEON was arrested by the Laguna Beach Police Department on 12-16-79 for violation of 11377(a) H&S. Sergeant David Newsham contacted Laguna Beach Police Department and ascertained that at the time of the aforementioned Laguna Beach arrest LEON was in possession of a small quantity of Quaalude tablets. Neither the DOJ record nor Laguna Beach PD shows whether or not LEON had been convicted.

ON August 25, 1981 your affiant and Detective J. Bonar set up a surveillance of 620 Price Drive at approximately 1330 hours. At about 1345 hours a 1955 Chevrolet pick-up truck, blue in color, bearing California license number H10747 arrived at the location. A male exited the vehicle and walked to the front door where he knocked. A few sec-

onds later the door was opened from within and the male entered. Approximately five minutes later the male exited the residence carrying a brown paper sack. The male was accompanied by a male latin matching the description of ARMANDO LAZARO SANCHEZ. The one male got into the aforementioned pick-up truck while the male later I.D.'d as SANCHEZ entered the white Corvette known to be owned by SANCHEZ. Both vehicles drove away in opposite directions. No attempt was made to follow either vehicle. At approximately 1425 hours the Corvette returned to 620 Price and the male later I.D.'d as SANCHEZ entered the residence.

Your affiant ascertained thru DMV records that the California license number H10747 is registered to a 1955 Chevrolet pick-up truck owned by THOMAS M. KILBURN. Your affiant ascertained that California drivers license number S0591793 is issued to THOMAS MICHAEL KILBURN. KILBURN is described as a male, 5' 11", 155 pounds, blond hair, blue eyes, date of birth 9-2-51.

Your affiant ascertained thru Department of Justice Records that THOMAS MICHAEL KILBURN date of birth 9-2-51 was arrested by the Glendale Police Department on May 28, 1974 for violation of 11357 H&S (Possession of Hashish) and 11358 H&S (Cultivation of Marijuana). DOJ records indicate a felony complaint was filed and KILBURN was placed on the Diversion program.

On August 26, 1981 at approximately 1500 hours your affiant and Detective J. Bonar again conducted a short surveillance of 620 Price Drive. At approximately 1600 hours a 1977 Datsun bearing California license 001SFF arrived at the location. A male latin exited the vehicle and walked to the front door of the residence. The male knocked and was admitted from within several seconds later. At approximately 1608 hours the male exited the residence carrying a brown box approximately one half the size of a shoe box. The male walked to his vehicle, placed the box in the trunk and then drove away. No attempt was made to follow the vehicle. Your affiant ascertained that the vehicle was ap-

parently a leased car and registered to Angeles Chevrolet in Los Angeles.

On August 27, 1981 at approximately 1500 hours your affiant and Detective J. Bonar again conducted a surveillance of the Price address. At approximately 1540 hours a silver 1977 Chevrolet bearing California license 374SRO arrived at the location. A male latin exited the vehicle and entered the residence after knocking. About twelve minutes later the male exited the residence and drove away.

On August 28, 1981 at 1900 hours your affiant along with other Burbank Police officers set up a surveillance of 620 Price Drive. At 2045 hours the vehicle owned by RICARDO DELCASTILLO (358TSU) arrived. A male latin exited the vehicle and entered 620 Price Drive. At 2050 hours the male latin exited the location, entered his vehicle, and drove to 7902 Via Magdelena in Villi Cabrini.

At 2100 hours a male latin later I.D.'d as ARMANDO SANCHEZ exited the residence, entered the white Corvette (019ZSZ-known to be owned by SANCHEZ), and drove to 716 S. Sunset Canyon in Burbank (residence owned by ALBERT LEON). The male exited the Corvette after parking in the driveway and went to the rear of the house, leaving his vehicle running. Approximately two minutes later the male returned to the vehicle and shut it off. He then re-entered the residence. Approximately twenty minutes later the male returned to his vehicle carrying a small package. The male entered his vehicle and drove directly back to 620 Price. During the time the male later I.D.'d as SANCHEZ was in the house a 1979 Mercedes Benz bearing California license 897WZA was parked on the street in front of the residence. Also during the time SANCHEZ was in the house, there were absolutely no interior lights visible from the street. The aforementioned observations at 716 S. Sunset Canyon were made by Burbank Police Department Sergeant David Newsham. Your affiant ascertained that the 1979 Mercedes (897WZA) registers to ALBERT LEON.

At 2140 hours a red vehicle bearing California license 1BSP762 arrived at 620 Price. A male exited the vehicle and entered the residence. Approximately thirty seconds later the vehicle owned by DELCASTILLO (358TSU) returned to the residence. A male ran from the vehicle into the residence then almost immediately ran back to his vehicle and drove away.

At 2145 hours the male later I.D.'d as SANCHEZ exited 620 Price Drive, entered the Corvette and drove to the 3800 block of York Blvd. in Glassell Park where he exited the vehicle and entered an unknown residence.

At 2210 hours the male that had come to Price Drive in vehicle 1BSP762 left the residence and drove to 333 E. Providencia in Burbank.

At 2240 hours the male later I.D.'d as SANCHEZ came back to his vehicle on York Blvd. carrying a very large rectangular container. Sergeant Newsham observed the male place the container into the vehicle then drive away. At this point surveilling officers lost the vehicle. Officers immediately returned to the Price address. The surveillance was discontinued at 2350 hours after the Corvette did not return.

On September 8, 1981 at approximately 1900 hours Burbank Police Department Narcotic Officers were conducting another surveillance in a case thought to be unrelated to this investigation. This surveillance was being conducted at 1706 Landis in Burbank. The surveillance involved a suspected Amphetamine dealer and his girlfrined. At 1915 hours a white 1979 Pontiac bearing California license 620XIS (vehicle belonging to PATSY ANN STEWART-620 Price Drive) arrived at 1706 Landis. A female exited 1706 Landis and walked directly to the Pontiac where she entered. About one minute later the female exited the vehicle carrying a small brown paper sack and walked back into 1706 Landis. The vehicle then drove away. The aforementioned observation was made by Detective J. Bonar. The occupants of 1706 Landis were arrested later in the evening of September 8, 1981, after officers watched them drive to an Arleta address and apparently purchase a quantity of amphetamine. The amphetamine purchase in Arleta is not believed to be related to this investigation.

On September 11, 1981 your affiant and other officers set up a surveillance of 620 Price Drive. The surveillance was begun at 1915 hours. At this time the following vehicles were present at the location; 019ZSZ (white Corvette owned by SANCHEZ); 358TSU (vehicle owned by DELCASTILLO); and 1BSP762 (vehicle followed to 333 E. Providencia). At 1945 hours the Pontiac owned by STEWART (620XIS) arrived and a female later I.D.'d as PATSY STEWART entered the residence. At 2030 hours the vehicle owned by DELCASTILLO left the location. At 2045 hours the other vehicle (1BSP762) left and drove away. Officers followed this vehicle to 333 East Providencia.

At 2130 hours the male and female later I.D.'d as SANCHEZ and STEWART exited the residence and drove to Los Angeles International Airport where SANCHEZ exited the vehicle in front of the Eastern Airline Terminal. The Corvette drove away. SANCHEZ entered the terminal carrying only a small briefcase and folding type suit carrier. Your affiant watched while SANCHEZ boarded Eastern Airlines Flight #504 to Miami Florida. The aircraft departed the loading gate at approximately 2400 hours with SANCHEZ still aboard. Officers returned to Burbank Police Department where arrangements were made to ascertain when SANCHEZ returns from Miami. Your affiant recognized the subject that boarded the airplane as ARMANDO LAZARO SANCHEZ from a photo obtained from DMV.

On September 12, 1981, at 2200 hours, Detective J. Bonar set up a surveillance of 620 Price Dr. Upon Bonar's arrival at the location, a silver Honda CVCC, California License number 727LHI was parked on the street in front of the residence. The vehicle was occupied by a male Caucasian in his early twenties. A female later I.D.'d as PATSY STEWART was standing outside the vehicle speaking with the occupant. The female then entered the Honda and conversed with the male occupant for approximately five minutes. The female later I.D.'d as PATSY STEWART then exited the Honda car and walked to the white Corvette owned by SANCHEZ (019ZSZ). The female later I.D.'d as STEWART opened the passenger door of the Corvette,

reached in, and appeared to remove something. She then walked back to the Honda and entered. A conversation ensued for several minutes, then the female exited the vehicle and walked into 620 Price. The silver Honda drove away. The observations related above were made by Detective J. Bonar, who personally told your affiant of same.

On September 13, 1981, at 1830 hours, Burbank Police Department Sergeant David Newsham, conducted a short surveillance of 620 Price Drive in Burbank, Sergeant Newsham made the following observations which he personally related to your affiant. Upon his arrival at 620 Price, Sgt. Newsham observed the vehicle owned by RICARDO ALBERTO DEL CASTILLO (358TSU) to be parked on Jolly at the side of 620 Price. A male thought to be DEL CASTILLO was standing on the front porch of the residence speaking with an unknown male inside the open front door of the residence. A female later I.D.'d as PATSY STEWART was standing by the open passenger door of the white Corvette owned by SANCHEZ (019ZSZ). The female reached into the Corvette and appeared to remove a small package. The female then walked toward the residence. The male thought to be DEL CASTILLO walked from the front porch and met with the female later I.D.'d as PATSY STEWART. An exchange of some type took place between the male thought to be DEL CASTILLO and the female later I.D.'d as STEWART.

On September 15, 1981, at 1335 hours, Sergeant David Newsham and Detective Jim Bonar conducted a surveillance on 620 Price Drive. The following was personally re-

lated to your affiant by Sergeant Newsham:

Upon their arrival at the location, the Corvette owned by SANCHEZ was gone. The Pontiac owned by STEWART was present. At approximately 1350 hours, the vehicle owned by DEL CASTILLO (358TSU) arrived and a male thought to be DEL CASTILLO exited the vehicle and entered the residence. At 1415 hours, the male thought to be DEL CASTILLO exited the residence, put out the trash for City pick-up, then reentered the residence.

At 1545 hours, the aforementioned male exited the residence, walked to his vehicle (358TSU), opened the trunk,

closed the trunk, then walked back into the residence. As officers had never seen the Corvette gone for this length of time, Lieutenant Al Madrid of the Burbank Police Department contacted Eastern Airlines to ascertain if perhaps PATSY STEWART had made flight reservations. Lt. Madrid ascertained that "PATSY STEWART" had made reservations on "Eastern Airlines" Flight #504 to Miami. STEWART was to depart Los Angeles International Airport at 2330 hours, September 14, 1981. Surveillance was conducted until 1700 hours, then discontinued.

At 1930 hours, September 15, 1981, Burbank Police Department Detectives Rick Hoover, Frank Reilman, and Bill Allen set up a surveillance of 620 Price. Upon their arrival at the location the Corvette owned by SANCHEZ (019ZSZ) was present along with the Pontiac's owned by DEL CASTILLO and SANCHEZ. At 2055 hours a silver Honda CVCC (727LHI) arrived at the location and parked in front. An unknown female never seen before exited 620 Price and walked to the passenger side of the Honda. An exchange of some type took place between the occupant of the Honda and the unknown female. The unknown female then walked back into the residence and the Honda car drove away.

At 2210 hours, the female later I.D.'d as PATSY STEWART and the male thought to be RICARDO DEL CASTILLO entered the vehicle owned by DEL CASTILLO and drove to Los Angeles International Airport. The vehicle was followed by Detectives Hoover, Reilman, and Allen. The aforementioned observations were personally related to your affiant by Detectives Hoover and Reilman.

At 2310 hours, September 15, 1981, your affiant along with Sergeant Newsham and Detective Bonar were at the Eastern Airline Terminal at Los Angeles International Airport. Your affiant was notified by Detective Hoover that the vehicle owned by DEL CASTILLO was approaching the Eastern Airlines Terminal. Your affiant observed the vehicle owned by DEL CASTILLO pull to the curb in front of the Terminal. A female later I.D.'d as PATSY STEWART exited the vehicle carrying a camera case and a brown case measuring approximately 30" x 30" x 12". The

female later I.D.'d as STEWART did not check the brown case and walked directly to boarding gate 37B followed by your affiant, Sgt. Newsham, and Det. Bonar. While the female later I.D.'d as STEWART was standing in line waiting to board flight #504 she was smiling, laughing, and conversing with other passengers. Upon arriving at the boarding gate, the female was advised by a female boarding agent that she could not carry on a bag of that size. The boarding agent reached out to take the bag from the female later I.D.'d as STEWART. STEWART withdrew the bag and appeared very apprehensive about giving it to the boarding agent. After checking the bag into luggage, STEWART appeared very solemn and nervous. As she passed thru the boarding gate, the stewardess stated, "Thank you Miss STEWART, have a nice flight." The aforementioned observations were made by either your affiant or Detective Bonar or Sgt. Newsham. Those not directly observed by your affiant were personally related to your affiant by Newsham or Bonar.

On September 15, 1981, your affiant ascertained that the utilities at 620 Price Drive, Burbank, are listed in the name of PAT STEWART. Your affiant also ascertained that phone number 845-4158 lists to PAT STEWART at 620

Price Drive, Burbank.

Your affiant also ascertained thru Los Angeles City Department of Water and Power records that the utilities at 7902 Via Magdelena in Los Angeles are listed to PATSY A. STEWART and have been since August 10, 1979. DWP records indicate STEWART lists her home phone number as 845-4158 (this line goes into 620 Price as stated above). DWP records also indicate the driver's license number of the PATSY STEWART listed on the utilities at 7902 Via Magdelena is M098287. This is the same driver's license number of the PATSY STEWART at 620 Price. Your affiant ascertained thru official Pacific Telephone Company records that that there is NO phone line into 7902 Via Magdelena under any name.

It is your affiant's training and experience that large scale distributors of controlled substances most often keep large quantities of their product is [sic] a location other than their primary residence or place of business. This is done to insure that should their illegal activities be detected by the police, and they be arrested, the police would seize only a relatively small amount of drugs and records. This location is commonly referred to as a "Stash Pad." It is your affiant's opinion that 7902 Via Magdelena is being utilized by the principals in this case as a "Stash Pad" and large quantities of controlled substances to wit; Cocaine and Methaqualone will be found there.

On September 18, 1981, Burbank Police Sergeant David Newsham contacted Eastern Airlines reservations and ascertained that both PATSY STEWART and A. SANCHEZ had reservations on Flight 504 from Miami to Los Angeles

on September 19, 1981.

On September 19, 1981, Sergeant Newsham again contacted Eastern Airlines and ascertained that Flight 504 had departed Miami International Airport, and that both PATSY STEWART and A. SANCHEZ were aboard and were sitting together. Sergeant Newsham was told the subjects had checked at least one bag into luggage. Both of the aforementioned contacts with the airlines were personally related to your affiant by Sergeant Newsham.

On September 19, 1981, at 1630 hours, a surveillance was set up at 620 Price Drive by Sergeant Don Goldberg, and Detectives Frank Reilman and Bill Allen. Sergeant Newsham, along with Detectives Chris Thomas, Rick Hoover, and Jim Bonar, went to Los Angeles International Airport and met with the Airport Narcotics Detail.

At aproximately 2045 hours, your affiant was advised by Detective Reilman that a silver vehicle, California License 374SRO had arrived at 620 Price. A male had exited the vehicle and entered the residence. There was no further activity at the Price Street location, and the surveillance was

discontinued at 2210 hours.

At approximately 2115 hours, your affiant received a phone call from Sergeant David Newsham. Sergeant Newsham told your affiant that he had personally observed ARMANDO SANCHEZ and PATSY STEWART walk off of Eastern Airlines Flight 504 from Miami at 2030 hours. Sergeant Newsham told your affiant that STEWART and SANCHEZ walked off separately apart from each other. STEWART and SANCHEZ were carrying many pieces of

luggage, most of which they had not had in their possession when they had left Los Angeles. SANCHEZ and STEWART walked thru the terminal separately, then stopped and met at the top of the escalator. Both subjects then walked directly out of the terminal to the street where it appeared they were waiting for somebody to pick them up. Subjects waited approximately 20 minutes, during which time STEWART made two phone calls from inside the terminal. After making these phone calls, both subjects were about to enter a cab, when they were detained by LAX Narcotics Officers. The luggage of both subjects was searched with their consent. The only contraband found was a small amount of marijuana in a suitcase carried by STEWART. Both subjects were allowed to leave and departed the airport via taxi, neither STEWART nor SANCHEZ picked up any luggage at the airport other than what they carried off of the aircraft. Neither STEWART nor SANCHEZ was carrying the bag that STEWART had been carrying when she departed Los Angeles on September 15, 1981.

On September 19, 1981, at 0010 hours, your affiant and Detective Rick Hoover drove by 716 S. Sunset Canyon. The silver Chevrolet, with California License 374SRO, was parked out front of the Sunset Canyon address. This is the same vehicle that was at 620 Price at 2045 hours, 9/18/81. Your affiant observed a male exit 716 S. Sunset Canyon and enter this vehicle. Your affiant and Detective Hoover drove directly to 620 Price Drive. A short time later, the silver vehicle (374SRO) arrived. A male exited the vehicle and entered 620 Price. At the time the vehicle (374SRO) was at the Sunset Canyon address, a yellow Camero, California License number 290ZYA, was parked in the driveway of 716 S. Sunset Canyon.

Your affiant ascertained that California License number 374SRO registers to ARMANDO SANCHEZ. Your affiant also ascertained that California License number 290ZYA registers to ALBERT A. LEON/DINORAH JIMENEZ,

P.O. Box 5163, Glendale.

Your affiant and Detective Hoover then drove to 7902 Via Magdelena and observed the interior lights of this loca-

tion to be on. This is the first time since the beginning of this investigation that your affiant has seen any sign of this

location being occupied.

On September 21, 1981, your affiant and Detective Hoover conducted a surveillance of 716 S. Sunset Canyon. The yellow Camero (290ZYA) was present at the location. No activity was observed from 0615 hours thru 1130 hours. At 1200 hours, your affiant drove to 7902 Via Magdelena and observed the silver Chevrolet (374SRO) parked in a parking space adjacent to 7902 Via Magdelena.

Your affiant requests the identity of the informant in this case remain confidential as the informant is still an active informant and is continuing to provide information to your affiant. Disclosure of the informant's identity will eliminate his/her usefulness to law enforcement in future cases. Also, it has been your affiant's training/experience that informant's have been killed or seriously injured by the persons they have informed upon. Your affiant feels this will occur should the informant's identity be disclosed.

All observations made by officers other than your affiant and related above in the affidavit were personally told to

your affiant by the officer making the observation.

OPINION OF AFFIANT

Your affiant, a peace officer employed by the Burbank Police Department, has received special training and experience in the field of Narcotics Investigation as follows: Seven and one haif years as a Burbank Police Officer currently holding the rank of Detective. Your affiant worked as an undercover operator in a narcotics enforcement for eighteen months from January 1979 thru July 1980. Your affiant is currently assigned as a detective in the Vice/Narcotics Bureau.

Your affiant has completed courses having to do with narcotics identification, investigation, and enforcement at Los Angeles Valley College in Van Nuys, Rio Hondo College in Whittier, Pasadena Police Academy in Pasadena. In addition, your affiant has attended a 40 hours course in narcotics investigation at the California Department of Jus-

tice Bureau of Narcotic Enforcement Advanced Training Center in Sacramento, California. Your affiant has attended an 8 hour class at the Los Angeles Police Department Academy dealing with narcotic enforcement and Clandestine Laboratory Investigation. Your affiant has also attended an 8 hour school sponsored by the California Narcotics Officers Association dealing specifically with the drug Phencyclidine. Your affiant has received specialized narcotic training at various in-service training classes given at the Burbank Police Department. Your affiant has attended classes given by Dr. Donald Trockman, a court recognized expert in the field of Heroin addiction, given at the Burbank Police Department. Your affiant has attended a four hour lecture given by Doctor Trockman and Doctor Forrest Tennant Jr., at the Los Angeles Police Department Academy again dealing with Heroin addiction and the addict. In addition, your affiant has received personalized classroom instruction from Dr. Steven Lerner who is considered by many to be the nations foremost authority/expert on the drug Phencyclidine. All of the aforementioned doctors are court declared experts in their field and have testified as such.

Your affiant has also received personalized training from Burbank Police Department Sergeant Donald Goldberg who has testified as an expert in the field of narcotics investigation in both Municipal and Superior Court on more than four hundred occasions. In addition, your affiant has received personalized "Or The Job" training from the following police officers employed by the Burbank Police Dopartment: Investigators Vincent DeAmicis, Rick Hoover, Walt Lencki, Frank Reilman, Larry Koch, and officer Raymond Leyva. All of the aforementioned officers have testified as court declared narcotic experts. Your affiant has read numerous pieces of training materiel published by the Los Angeles Police Department, Los Angeles County Sheriff's Department, California Department of Justice, and the Federal Drug Enforcement Administration which specifically dealt with narcotics investigation.

Your affiant has personally instructed classes whose subject matter dealt with narcotics investigation. These classes

were taught to officers of the Burbank Police Department, and Los Angeles County Probation Department. In addition, your affiant has testified as an expert witness in narcotics cases in Municipal Court and Superior Court.

Your affiant has participated in arrests of persons for various narcotic violations on approximately 500 occasions. Approximately 300 of these have taken place in my present

assignment.

Your affiant has discussed all aspects of this investigation with Sergeant David Newsham, Detective R. Hoover, and Detective F. Reilman, all of whom are court declared narcotic experts. Based on the facts contained in this affidavit your affiant has formed the opinion that ALBERT ANTONIO LEON date of birth 2-19-55, ARMANDO LAZARO SANCHEZ date of birth 10-25-54, PATSY ANN STEWART date of birth 10-21-40, and RICARDO ALBERTO DELCASTILLO date of birth 11-27-52, are co-conspirators in an on-going criminal enterprise involving the transportation and distribution of controlled substances and that evidence of this conspiracy will be found at or in the locations/vehicles to be searched pursuant to this search warrant.

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a ca	2. TYPE OF PROPE		3. FILE NO.	4. G-DEP II	
ET	MONEY	PEGULATORY	R1-81-0265	DA2=0	.2
T ORARY CUST	Recovered Seised	OTHER	The same of the sa	1-41c -4	
Softwooding	8. CUSTOMS REFE		LEDW, Alberto	Antonio et a	Lie
Transfer to An		OR Seizure No.	7. DATE PREPARED	8. PROGRA	M CODS.
0	No		10-14-81	100	
				COND.	12. VALUE
ashibit		ESCRIPTION OF ARTICLES	_	COOR	12. WALUE
A-P' Spiral	notebook.			8	M/A
A-Q: Purple	Diary/Address book			3	N/A
	attan and name	20/10			
A-3 Cocain	e sifters and parapher	URT7#9		S	N/A
A-S" Kariju	ana paraphenalia			8	W/-
20 10 EL 2 Jul	ne her chimierres				N/A
A-T' Cocaine	e paraphenalia.	/	1	S	K/A
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MATERIA - 70

ged .		2. TYPE OF PROPER	TY REGULATORY	3. FILE NO. R1-S1-0265	DA2-0	DENTIFIER 2
	TE ITURE CUSTODY	MONEY Recovered Seized	PILM/FINGERPRINT	S. PILE TITLE		2
	afekseeing Transfer to Another Agency	6. CUSTOMS REFERE	_	1. DATE PREPARED 10-14-31	8. PROGR	AM CODE
		10. NAME AND DES	CRIPTION OF ARTICLES		11. COND. CODE	12. VALUE
rigides:	Photographs.				3	N/A
4-V °		UCM shppping	bag.		S	N/A
				Idrage books and S	afety S	N/A
k-1.	(Deposit box re	ital forms	photographs, at	dress books and S		10.00
M-X "	Kiscellaneous	cocaine paraphe	malia.		8	N/A
	Cocsine mirror		/		S	E/A
V-I.	And The HTLLOS	•				
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and ma	intelned by bim	nnt(1 Q_2Q_31 2	shen he Eurned L	rised at 620 Price eised by Det. Fra en over to S/A De S/A De Vorre ren	VOLLA" FALL	TOIRS HETTA
and ma tained	inteined by him in L.a.D.O. Bri	dence Vault und	melore), A 18. AP TO 14-81 AP TO 15 AP TO 1	S/A De Vorre rea	oved and pro	TOIRS HETTA
and ma tained	inteined by him in L.a.D.O. Bri	dence Vault und ITANVESTIGATOR (Signed of the Control of the Cont	melore), A 18. AP TO 14-81 AP TO 15 AP TO 1	S/A De Vorre res	oved and pro	TOIRS HETTA
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and me tained tained Dav	inteined by him in L.A.D.O. Bri	dence Vault und it/investigator issued service of the service of	melare). A 18. AP TO 14-81 AP RECEIPT REPORT DOSS TON IFOR EVIDENCE C	S/A De Vorre res	tolian	ocessed the
and me tained	inteined by him in L.A.D.O. Bri	dence Vault und it/investigator issued service of the service of	melare). A 18. AP TO 14-81 AP RECEIPT REPORT DOSS TON IFOR EVIDENCE C	S/A De Vorre res	tolian	ocessed the
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1.8/	-	2. TYPE OF PE		3. PILE NO.		DENTIFIER
Ĺ	NCE	MONEY	DREGULATORY	R1-21-0265	DA2-C2	
	PORARY CUSTOD	Paccord States	PILMFINGERPRIN	LEDK, Alberto	Antonia	
	Sa to Looping	8. CUSTOMS P			MICOILLO	
_	Transfer to Anothe	Agency Com No.	OR Selaure No.	7. DATE PREPARED	S. PROGRA	M CODE
		No.		9-23-61	100	
Exhibit			ID DESCRIPTION OF ARTICLES		COND.	12. VALUE
B-A	\$6,739 Uzi	ted Stated Curre	mey consisting of 1	\$100 Federal Res	A/K STE	XXXX
	Notes, 33	\$50 F.R.W., 178	\$20 F.R.N., 2 \$10 F	Rand 9 \$1 FaR	M.	\$6.739.00
		FISCAL CONTROL	NUMBER 35-423-61 '			
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14. SUNN	David L. D	Vorre S/A	R (Signature) 18. API	ROVED BY (Signature & Title Al Dovetko G. S.	001	286
		1	RECEIPT REPORT	AL LEGICAL		
S. NO. PA	CKAGES 17	RECEIVED FROM ISLEN	sture & Date)	18. TITLE		
18. SEAL	1	19:4/	fl. Chew 9-23-1			
Die	Unbroken 26	Meterico et isignalia	2000 0 23-1	7 Time punter	lien	
-	12	STITUTE TO STIS	POSITION, IPOR EVIDENCE CU			
12. Dam Di	EA-48 22. Exhib	it 34. Authorizing No		ns of Disposition	26.	Name
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27. REMA	AKS					
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28. ANALYST (Synonys)	3	D. DATE	SA APPROVED BY (Squalum)	21. BATS
BEATON - 70		Province Salito	to are Observe.	Copy 1 - Prospection
70		Province Salities	to on Charles	

1.05		2. TYPE OF PROPER		S. FILE NO.		BRITIFIER
-	ACTURE	- MONEY	PILM/PHISESPAINT	R1-61-0265	DA2-C2	
	DRARY DUSTORY	Street C. Customs Rapan	DOTHER	LHOW, Alberto	Antende et	al.
	hyneler to Another Agent	10 Case 4s. 64	a Carbon to	7. BATE PREPARED 10-14-81	B. PROBRA	w code
Quality .			SCRIPTION OF ARTICLES		cone.	12 VALUE
M.	Brown folder	with name Alber	es LECH.		8	N/A
3-0.	Black Day a	t a Clance" Mar	y and photographs	b	8	M/A
3-1	"Coronation"	cocaine mixer.			5	
B-1.	Elecellaneou	s cocaine cuttin	and parkaguig R	sterials.	5	N/A
BJ.	Mastic bag	with credit card	, rubber bands an	d deb-1s,	8	N/A
			/			
			7			
aliforr urbank xhibita	PaDa and mainta	a State Search	Harrant /S-350. E	ed at 716 So. Sun whibits exist by a turned than ove 1 10-14-51 when S	Det. Rick H	Vorre.
alifornurbank whibits ni proc	nie pursuant to P.D. and mainte maintained in messed them.	a State Search ained by him unt the L.A.D.O. By	Warrart #S-350. I	e turned then over 1 10-14-51 when 5	Det. Rick H r to S/A De /A De Vorre	Vorre.
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SE APPROVED BY (Squares)

SE ANALYST (Squature)

MA Party - 7a

		3. TYPE OF PROPERT	PREGULATORY	3. FILE NO. R1-31-0265	DA2-2	DENTIFIER
191	STURE CRARY CUSTORY	Recovered Solded	PILM FINGERPRINT		Antonio ei	al.
_	Sylvicesing Transfer to Anather Agency		Galaura Na.	10-14-51	8. PROGR	AM COOP
E-MARIT		16 NAME AND DES	CRIPTION OF ARTICLES	9	11. COND CODE	12. VALUE
3-2	Set of 2 kers.				3	N/A
B-1.	Address book, ()	No cover).			8	II/A
B-31	One box contain	ning cocaine cu	tting and testing	paraphenalia.	5	W/A
B-X -	One Chaus Cent	-0-Gram, 311 gr	am scale, (remove	ed from exhibit B-	d fee S	N/A
B-0 ·		papers and docu	mts		S	M/A
			5			
						1
alifor urbank xhibit	nia pursuant to	a State Search	Warrant #S-350.	ed at 716 So. Suns Exhibits seised by he turned them ove il 10-14-81 when S	Dot. Rick	Hoover,
alifornurbank xhibit nd pro David	nia pursuant to P.D. and maintains maintained in occassed them.	ACHIER SEARCH IN THE LAND. D. D	Warrant #S-380, il 9-29-31 when idence Vault unt	Exhibits seised by the turned them ove 11 10-14-81 when S TOTAL A ISH WHEN S BODLY R. SHEETER	Det. Ricker to S/A 200 Norre	Hoover,
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alifornurbank whibit nd pro David	nia pursuant to P.D. and maintains maintained in occased them.	A State Search ined by him untitle L.A.D.O. Er	Warrant #S-380, il 9-29-31 when idence Vault unt	Exhibits seised by the turned them over 11 10-14-81 when 8 moves of 15 years and The Sobly R. Siemand The Sobly R.	tockin	Roover,
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SEA Form - 7 s

-		2 TYPE OF PROPERT	JG PROPERTY AN	3. FILE NO.	4. G-05P II	DENTIFIER
	NCE		DREGULATORY	F1-31-0265	D#2-03	
41	PORARY CUSTODY	Recovered Seized CUSTOMS REFERR	PILM/FINGERPRINT	LECT, Alberto	Antonio et	1.
	Safetasping Transfer to Another Agency		Gelaura No.	7. DATE PREPARED 10-15-81	B. PROGRA	:.
-		TO MAME AND DESI	RIPTION OF ARTICLES		COND.	12. VALUE
Man	Yaman Will Yaml W	andhound how a	entaining "IJICE	T" Shopping bags	ofth S	W/A
-B)	red letters.	CHECK BOND OF THE	VITT BE OSED TO	PLOYE THE LOTTON	N3	
	ECHIBITS; C-C.C	D.C-T.C-K.C-C	CAC, CAP, CAI,	& C-AJ-WA		-
7	Seall Ehiteen	al scales card	poard box contai	ning "WCKI" shop	ping 8	WA
3	bags with green	a letters.			7	
5					8	K/A
~D)_	Shopping bag c	ontaining numero	ous plastic bag	•		.,
<u> </u>	1 250:15 receipt	for a Esserg	Sno tour.		S	K/A
2	1				5	N/A
(5-2)	· Used marijuana	/nashish tester	-		-	14.2
			7			
	1					
			3 0 0 and	ed at 7902 Via Ka	edalama los	ingeles. Celi
William I	ed in L.A.D.9. Ev	idence Vault un	t11 10-15-31 who	n S/A De Vorre re	moved and pr	r Burbank P.D ibits main- ocessed them.
- A	ed in L.A.D.G. Ev	idence Vault un	t11 10-15-91 who	n S/A De Vorre re	moved and pr	ocessed them.
	0	idence Vault un	11 10-1501 AU		d d	ocessed them.
	MITTED BY SPECIAL AGE!	idence Vault un	18. AS	Appending of the Shep	d d	A-G)s
14. 8081	David L. Je Vorze	er/investigatos de	11 10-1501 AU	action of the state of the stat	d d	
14. 8081	0	et/investigatos	Meture) 18. AP	bobby de Shep	d d	
FE. NO. 1	PACKAGES 17. RECE	ATTINIVESTIGATOR (Se	RECEIPT REPORT	bobby de Shep	d d	
FE. NO. 1	MITTED BY SPECIAL AGE DEVID L. Je VOITE PACKAGES 17. RECE	ATTINUESTIGATOR (FE	RECEIPT REPORT	Tobby to Shep	d d	
66. NO. 1	PACKAGES 17. RECY Lumbrohen 20. Sette	ATTINIVESTIGATOR (See	RECEIPT REPORT PAGE RECEIPT REPORT PAGE 10. 10. 16. 2 10. 10. 16. 2 10. 10. 16. 2 10. 16. 2	Tobby to Shep	d d	
6. NO. 1	PACKAGES 17. RECE	ATTINIVESTIGATOR (See	RECEIPT REPORT PAGE RECEIPT REPORT PAGE 10. 10. 16. 2 10. 10. 16. 2 10. 10. 16. 2 10. 16. 2	DOLOGIA SINGS TOTAL LE S/A DITTO CONTROL ONLY)	harmed pard	A-GJ:
6. NO. 1	PACKAGES 17. RECY Lumbrohen 20. Sette	ATTINIVESTIGATOR (See	RECEIPT REPORT PAGE RECEIPT REPORT PAGE 10. 10. 16. 2 10. 10. 16. 2 10. 10. 16. 2 10. 16. 2	DOLOGIA SINGS TOTAL LE S/A DITTO CONTROL ONLY)	harmed pard	A-GJ:
66. NO. 1	PACKAGES 17. RECY Lumbrohen 20. Sette	ATTINIVESTIGATOR (See	RECEIPT REPORT PAGE RECEIPT REPORT PAGE 10. 10. 16. 2 10. 10. 16. 2 10. 10. 16. 2 10. 16. 2	DOLOGIA SINGS TOTAL LE S/A DITTO CONTROL ONLY)	harmed pard	A-GJ:
64. SUB-	PACKAGES 17. RECY Lumbrohen 20. Sette	ATTINIVESTIGATOR (See	RECEIPT REPORT PAGE RECEIPT REPORT PAGE 10. 10. 16. 2 10. 10. 16. 2 10. 10. 16. 2 10. 16. 2	DOLOGIA SINGS TOTAL LE S/A DITTO CONTROL ONLY)	harmed pard	A-GJ:
FB. NO. 1	PACKAGES 17. RECS	ATTINIVESTIGATOR (See	RECEIPT REPORT PAGE RECEIPT REPORT PAGE 10. 10. 16. 2 10. 10. 16. 2 10. 10. 16. 2 10. 16. 2	DOLOGIA SINGS TOTAL LE S/A DITTO CONTROL ONLY)	harmed pard	A-GJ:
FB. NO. 1	PACKAGES 17. RECY Lumbrohen 20. Sette	ATTINIVESTIGATOR (See	RECEIPT REPORT PAGE RECEIPT REPORT PAGE 10. 10. 16. 2 10. 10. 16. 2 10. 10. 16. 2 10. 16. 2	DUDOS A SDED	harmed pard	A-GJS
14. 8US1 58. NO. 1 18. SEA	PACKAGES 17. RECS	ATTINIVESTIGATOR (See	RECEIPT REPORT PAGE RECEIPT REPORT PAGE 10. 10. 16. 2 10. 10. 16. 2 10. 10. 16. 2 10. 16. 2	DUDOS A SDED	harmed pard	A-GJS
14. 8US1 58. NO. 1 18. SEA	PACKAGES 17. RECS	ATTINIVESTIGATOR (See	RECEIPT REPORT PAGE RECEIPT REPORT PAGE 10. 10. 16. 2 10. 10. 16. 2 10. 10. 16. 2 10. 16. 2	DUDOS A SDED	harmed pard	A-GJS
58. NO. 1	PACKAGES 17. RECS	ATTINIVESTIGATOR (See	RECEIPT REPORT PAGE RECEIPT REPORT PAGE 10. 10. 16. 2 10. 10. 16. 2 10. 10. 16. 2 10. 16. 2	DUDOS A SDED	harmed pard	A-GJS
58. NO. 1	PACKAGES 17. RECS	ATTINIVESTIGATOR (See	RECEIPT REPORT PARTY TO THE TOTAL TOT	DUDOS A SDED	harmed pard	A-GJS
68. NO. 1	PACKAGES 17. RECS	ATTINIVESTIGATOR (See	RECEIPT REPORT PORT D-/6-2 1001, IPOR EVIDENCE C 39.	DUDOS A SDED	harmed pard	A-GJS
L SUST	PACKAGES 17. RECU	ATTINIVESTIGATOR (See	RECEIPT REPORT Site OF 10-16-2 ION (FOR EVIDENCE C	TOTAL CALIFORNIA OF TOTAL CALIFORNIA USE ONLY)	harmed pard	A-G):

-		2. TYPE OF	PROPERT	A		L PILE NO.		6-06P 10	
		DHONEY		DREGULATO		R1-51-0265		DA2-C2	
TURE	CUSTODY	Rece	ref.	PILM PING	ERPRINTS	B. FILE TITLE			
Sa fa temple		& CUSTOMS				LEW, Albert	o Antor	PROGRA	H CODE
	a Another Age	NOT COM NO	. OR	D Strings No.	_	10-15-81			
		16 NAME	AND DES	CRIPTION OF A	ATICLES			COND.	12 VALUE
) - KI	cellaneo	s ripped pa	per an	d twine,				8	M/A
	teard ad	ressed to S	TENASI	at 7902 V	ia Marde	lens		3	W/A
01.5	t wrappin	g paper, (u	sed),					S	M/A
		NOSITOL bot		-		N Late		5	W/A
									-
Gro	nery Bag	with one wo	f roter	ox and 2 c	erdmare	boxes.		S	7./A
				-					
1 1 1				5					
-									
nia pursu	ant to a	State Search	n Warr	chan he tur	med the	ts seised by I to seised by I tower to S/A I S/A De Vorre re	De Vorn	a. Exhi	bits main-
mia pursu d maintai ined in I	ent to a ned by h	State Search until 9-20 Vidence Vau	in warz 19-81 wilt uni	men he tur	med the	over to S/A I	De Vorn	e, Exhi	bite main- cessed the
mia pursu d maintai ined in I	ent to a ned by h	State Search	in warz 19-81 wilt uni	men he tur	med there	over to S/A I	De Vorn	a. Exhi	bite main- cessed the
mia pursu d maintai ined in I	vsPECIAL A De Vorre	State Search until 9-2 Ovidence Van	19-81 milt uni	men he tur	ned then S	over to S/A I	De Vorn	e, Exhi	bite main- cessed the
nia pursu il maintai ined in I David L OR PACKAGE	v special a De Vorre	State Search with 19-2 Widence Vau	TOPA (Superpres)	men he tur	ned then S	over to S/A I	De Vorn	e, Exhi	bite main- cessed the
nia pursu i meintai ined in I David L OR PACKAGE	v special a De Vorre	State Search until 9-2 Oridence Van	roa (see	RECEIPT	ned then it when it will be a second it will be a seco	over to S/A I	De Vorn	e, Exhi	bite main- cessed the
DEVIDENCE OF THE PROPERTY OF T	v special a De Vorre	State Search until 9-2 Oridence Van	TOPA (Superbury Busposity	RECEIPT	ned there is a series of the s	over to S/A I	De Vorn	e, Exhi	bite main- cessed the
DEVIDENCE OF THE PROPERTY OF T	v special a De Vorre	orived av rays	TOPA (Superbury Busposity	mediation (FOR EVI	ned there is a series of the s	OVER BY (Equature & Bobby R. She	Two)	e, Exhi	bite main- cessed the
mia pursui maintai ined in I	v special a De Vorre	orived av rays	TOPA (Superbury Busposity	mediation (FOR EVI	ned there is a series of the s	OVER BY (Equature & Bobby R. She	Two)	e, Exhi	bite main- cessed the
mia pursui maintai ined in I	v special a De Vorre	orived av rays	TOPA (Superbury Busposity	metal 10-15-	ned there is a series of the s	OVER BY (Equature & Bobby R. She	Two)	e, Exhi	bite main- cessed the
DE DEL DE DE DE DEL DE DE DEL DE DEL DE DEL DE DEL DEL	v special a De Vorre	orived av rays	TOPA (Superbury Busposity	metal 10-15-	ned there is a series of the s	OVER BY (Equature & Bobby R. She	Two)	e, Exhi	bite main- cessed the
DE DEL DE DE DE DEL DE DE DEL DE DEL DE DEL DE DEL DEL	v special a De Vorre	orived av rays	TOPA (Superbury Busposity	metal 10-15-	ned there is a series of the s	OVER BY (Equature & Bobby R. She	Two)	e, Exhi	bite main- cessed the
DE DEL DE DE DE DEL DE DE DEL DE DEL DE DEL DE DEL DEL	v special a De Vorre	orived av rays	TOPA (Superbury Busposity	metal 10-15-	ned there is a series of the s	OVER BY (Equature & Bobby R. She	Two)	e, Exhi	bite main- cessed the
DE DEL DE DE DE DEL DE DE DEL DE DEL DE DEL DE DEL DEL	v special a De Vorre	orived av rays	TOPA (Superbury Busposity	metal 10-15-	ned there is a series of the s	OVER BY (Equature & Bobby R. She	Two)	e, Exhi	bite main- cessed the
DEVIDENCE OF THE PROPERTY OF T	v special a De Vorre	orived av rays	TOPA (Superbury Busposity	metal 10-15-	18. APPRO	OVER BY (Equature & Bobby R. She	Two)	e, Exhi	bite main- cessed the

A .uis	2. TYPE OF PROPER		3. FILS NO.		DENTIFIER
TURE JRANY CUSTODY	MONEY Received Soized	PILM/FINGERPRIN	R)-31-0265	DA2-Ci	
J Batchesoling Trypolor to Another Agent		Selaum No.	7. DATE PREPARED	S. PROGRA	M CODE
	18. NAME AND DES	SCRIPTION OF ARTICLE		COND.	12. VALUE
One Silver co	lored Sifter.			8	N/A
· Prescription	bottle for A. L	til dated 4-14-5) _e	3	K/A
	t for a 100 poun			S	-N/A
2 bottles of				8	N/A
				S	W/A
?) One carton of	Zig-Zag papers.			9	B/ A
		5			
a pursuant to a Sta maintained by him u .A.D.O. Evidence Va	m + 4 1 #_ 20_ 11 Wha	m ne surned was	ts seised by Det over to S/A De orre removed and	AGLIAN PRITING	CO MOUNTY COMMISSION
BUSMITTED BY SPECIAL ACT	until 9-29-31 whe	Si when S/A De	novecer from She	processed th	CO MOUNTY COMMISSION
BUSMITTED BY SPECIAL ACT	ENT/19/VESTICATOR SEE	Si when S/A De Si when S/A De RECEIPT REPORT	DUDT TO She	processed th	60.
BUBMITTED BY SPECIAL ACT DAVID L. De VOTTE NO. PACKAGES 17. REC	ENT/INVESTIGATOR 400	RECEIPT REPORT	DUDT TO She	processed th	60.
BUSMITTED BY SPECIAL ACT DAVID Lo Be VOITE BLAL Brown 29 RI Company C	ENT/INVESTIGATOR 400	RECEIPT REPORT	POLICE THE SHE	processed the	Has
BUSMITTED BY SPECIAL ACT DAVID Lo Be VOITE BLAL Brown 29 RI Company C	ENT/INVESTIGATOR 400	RECEIPT REPORT	POLICE THE SHE	processed the	Has
BUSMITTED BY SPECIAL ACT DAVID Lo Be VOITE BLAL Brown 29 RI Company C	ENT/INVESTIGATOR 400	RECEIPT REPORT	POLICE THE SHE	processed the	Has
BUSMITTED BY SPECIAL ACT DAVID Lo Be VOITE BLAL Brown 29 RI Company C	ENT/INVESTIGATOR 400	RECEIPT REPORT	POLICE THE SHE	processed the	Has
BUBMITTED BY SPECIAL AGE DAVID Lo De Vorre BLAL De Vorre BLAL De Vorre BLAL De Vorre DE Copon DE C	ENT/INVESTIGATOR 400	RECEIPT REPORT	POLICE THE SHE	processed the	Has
BUBMITTED BY SPECIAL AGE DAVID Lo De Vorre BLAL De Vorre BLAL De Vorre BLAL De Vorre DE Copon DE C	ENT/INVESTIGATOR 400	RECEIPT REPORT	POLICE THE SHE	processed the	Has
BUBMITTED BY SPECIAL AGE DAVID Lo De Vorre BLAL De Vorre BLAL De Vorre BLAL De Vorre DE Copon DE C	ENT/INVESTIGATOR 400	RECEIPT REPORT	POLICE THE SHE	processed the	Has
BUBMITTED BY SPECIAL AGE DAVID Lo De Vorre BLAL De Vorre BLAL De Vorre BLAL De Vorre DE Copon DE C	ENT/INVESTIGATOR 400	RECEIPT REPORT	POLICE THE SHE	processed the	Has

NCE	3. TYPE OF PROPERT	DREGULATORY	3. FILE NO. R1-81-0265	1. 0.017 10 DA2-C2	
FEITURE	Recovered Soired CUSTOMS REFERR	Вотнея	LEON, Alberto	Antonio et	al.
Satishaping Transfer to Anadian Agency		Belaura No.	7. DATE PREPARED 10-15-81	e. PROGRA	M CODE:
	10. NAME AND DES	CRIPTION OF ARTICLES		11. COND. COOE	18. VALUE
one bag with m	decellaneous con	caine cutting pape	phenalia.	8	R/A
51		For 1902 Via Pag	60 600	8	R/A
S) One 30"x19"x10	American Tour	ister suitcase,	H THIS EXHIBIT	VILL S	N/A
BE USED TO STO	CAT ON! ON CA!	DGHBIDS; CLR, CL	F.CAG.CAH.CAY.CA	La Calia	
Package of gla	SS COTERS.	7	7.09	3	N/A
				S	Y:/A
J) · Green plastic	silter.	/		3	1./ 76
				*	115
		7			
d maintained by him wined in L.A.D.O. Evid	ntil 9-29-51 who dence Vault until	en he turned then	over to 5/A Da	Vorre. Exhibi	Burbank P. its main- essed them
a susmitted by him usined in L.A.D.O. Evid a susmitted by special agentavid L. De Vor-	TINVESTIGATOR (See	ether turned then 1 10-15-81 when 5/	over to 5/A Da	Vorre. Exhibi	ts main-
Lavid L. De Vor-	VED PROM (Signally) a por	ether turned then 1 10-15-81 when 5/	Bobby in Shep	Vorre. Exhibi	its main-
L SUSMITTED BY SPECIAL AGENTAL	VED PROM (Signally) a por	en he turned then 1 10-15-81 when S/ enursy RECEIPT REPORT Dusy ON IPON EVIDENCE CUST	Bobby in Shep	Vorre. Exhibi	its main-
L SUBMITTED BY SPECIAL AGENTAVIO L. De VOT	VED PROM (Signally) a por	en he turned then 1 10-15-81 when S/ enursy RECEIPT REPORT Dusy ON IPON EVIDENCE CUST	Bobby No IS 1972	Vorre, Edition	its main-
L SUBMITTED BY SPECIAL AGENTAVID LA DE VOTT	VED PROM (Signally) a por	en he turned then 1 10-15-81 when S/ enursy RECEIPT REPORT Dusy ON IPON EVIDENCE CUST	Bobby No IS 1972	Vorre, Edition	its main-
L SUBMITTED BY SPECIAL AGENTAVIO L. De VOT	VED PROM (Signally) a por	en he turned then 1 10-15-81 when S/ enursy RECEIPT REPORT Dusy ON IPON EVIDENCE CUST	Bobby No IS 1972	Vorre, Edition	its main-
L SUSMITTED BY SPECIAL AGENTE DEVID LA DE VOTE DE VO	VED PROM (Signally) a por	en he turned then 1 10-15-81 when S/ enursy RECEIPT REPORT Dusy ON IPON EVIDENCE CUST	Bobby No IS 1972	Vorre, Edition	its main-
L SUBMITTED BY SPECIAL AGENTAVID LA DE VOTT	VED PROM (Signally) a por	en he turned then 1 10-15-81 when S/ enursy RECEIPT REPORT Dusy ON IPON EVIDENCE CUST	Bobby No IS 1972	Vorre, Edition	its main-
L SUSMITTED BY SPECIAL AGENT DAVID L. DE VOT. NO. PACKAGES 17. RECEI 18. NO. PACKAGES 20. RECEI 19. Deso DEA-48 22. Ennisis 34.	VED PROM (Signally) a por	en he turned then 1 10-15-81 when S/ enursy RECEIPT REPORT Dusy ON IPON EVIDENCE CUST	Bobby No IS 1972	Vorre, Edition	its main-
L SUSMITTED BY SPECIAL AGENT DAVID L. DE VOT. NO. PACKAGES 17. RECEI 18. NO. PACKAGES 20. RECEI 19. Deso DEA-48 22. Ennisis 34.	VED PROM (Signally) a por	en he turned then 1 10-15-81 when S/ enursy RECEIPT REPORT Dusy ON IPON EVIDENCE CUST	Bobby No IS 1972	Vorre, Edition	its main-
E NO. PACKAGES A SEAL 20 ACCE Description	VED PROM (Signally) a por	en he turned then 1 10-15-81 when S/ enursy RECEIPT REPORT Dusy ON IPON EVIDENCE CUST	Bobby No IS 1972	Vorre, Edition	its main-

		2. TYPE OF PROPER	PREGULATORY	3. FILE NO. R1-81-0265		PIDENTIFIER 2-CZ
	Y CUSTODY	Recovered Beired G. CUSTOMS REPERI	PILM/FINGERPRIN			
Safekan J Transla	reing r to Another Agenc	-	_	7. DATE PREPARED	8. PRO	MAM CODE
minute			CAIPTION OF ARTICLES		11. COA COC	D. 12. VALUE
C-7/ One	Metal sift	ir.			3	N/A
-9 On	e box of Z	p-loc" bags.			5	N/A
On On	e electric o	cocaine mixer.			S	k N/A
-3 · On	e box of gre	en mixers.			S	N/A
-3/ 00	caine mirror	and cutting pa	raphenalia.		S	N/A_
			/			,
						/
nda murmus	art to a Sta	to Seemen Market	ME METING DAPAR	ed at 7902 Via Ha its seized by Det a over to S/A De removed and pr	24- 9	
SUBMITTED RO. PACKAGE	Bridence Va	te Search Warrantil 9-25-21 whoult until 10-75	nt #S-380. Exhiben he turned the -81 when they we receipt report	its seized by Det a over to S/A De se removed and pr	Jim Bonar Vorre, Exhi ocessed by	
SUBMITTED SUBMITTED FOR PACKAGE Broken Pumbrok	art to a Standard to a Standard by him u Dridence Va av spacyal adam rid is De No 12 Maces 20 Maces on Company	TO PROM (Superiore a) VED PROM (Superiore a)	nt #S-380. Exhiben he turned the -81 when they we receipt report Report France Current France Cu	over to S/A De removed and proved	Vorre, Exhicocessed by	Burbank P. lits mainta S/A De Vorr
SUBMITTED SUBMITTED FOR PACKAGE Broken Pumbrok	art to a Standard to a Standard by him u Dridence Va av spacyal adam rid is De No 12 Maces 20 Maces on Company	TO PROM (Superiors a)	nt #S-380. Exhiben he turned the -81 when they we receipt report Report France Current France Cu	over to S/A De removed and proved	Jim Bonar Vorre, Exhi ocessed by	Burbank P. lits mainta S/A De Vorr
SUSMITTED TAT NO. PACKAGE Broken Frunbrek	art to a Standard to a Standard by him u Dridence Va av spacyal adam rid is De No 12 Maces 20 Maces on Company	TO PROM (Superiore a) VED PROM (Superiore a)	nt #S-380. Exhiben he turned the -81 when they we receipt report Report France Current France Cu	over to S/A De removed and proved	Vorre, Exhicocessed by	Burbank P. lits mainta S/A De Vorr
SUBMITTIDI Jar NO. PACKAGI Breken	art to a Standard to a Standard by him u Dridence Va av spacyal adam rid is De No 12 Maces 20 Maces on Company	TO PROM (Superiore a) VED PROM (Superiore a)	nt #S-380. Exhiben he turned the -81 when they we receipt report Report France Current France Cu	over to S/A De removed and proved	Vorre, Exhicocessed by	Burbank P. lits mainta S/A De Vorr
Raintain Lea.DeOe SUSMITTED Tat	art to a Standard to a Standard by him u Dridence Va av spacyal adam rid is De No 12 Maces 20 Maces on Company	TO PROM (Superiore a) VED PROM (Superiore a)	nt #S-380. Exhiben he turned the -81 when they we receipt report Report France Current France Cu	over to S/A De removed and proved	Vorre, Exhicocessed by	Burbank P. lits mainta S/A De Vorr
SUSMITTIDI Jar	art to a Standard to a Standard by him u Dridence Va av spacyal adam rid is De No 12 Maces 20 Maces on Company	TO PROM (Superiore a) VED PROM (Superiore a)	nt #S-380. Exhiben he turned the -81 when they we receipt report Report France Current France Cu	over to S/A De removed and proved	Vorre, Exhicocessed by	Burbank P. lits mainta S/A De Vorr
NO. FACKAGE	art to a Standard to a Standard by him u Dridence Va av spacyal adam rid is De No 12 Maces 20 Maces on Company	TO PROM (Superiore a) VED PROM (Superiore a)	nt #S-380. Exhiben he turned the -81 when they we receipt report Report France Current France Cu	over to S/A De removed and proved	Vorre, Exhicocessed by	Burbank P. lits mainta S/A De Vorr
SUSMITTED TATE	art to a Standard to a Standard by him u Dridence Va av spacyal adam rid is De No 12 Maces 20 Maces on Company	TO PROM (Superiore a) VED PROM (Superiore a)	nt #S-380. Exhiben he turned the -81 when they we receipt report Report France Current France Cu	over to S/A De removed and proved	Vorre, Exhicocessed by	Burbank P. lits mainta S/A De Vorr
SUBMITTED SUBMITTED FACKAGE NO. FACKAGE Broken FUNDroke	art to a Standard to a Standard by him u Dridence Va av spacyal adam rid is De No 12 Maces 20 Maces on Company	TO PROM (Superiore a) VED PROM (Superiore a)	nt #S-380. Exhiben he turned the -81 when they we receipt report Report France Current France Cu	over to S/A De removed and proved	Vorre, Exhicocessed by	Burbank P. lits mainta S/A De Vorr

		2. TYPE OF PR			3. FILE NO.	4		ENTIFIER
-+CE		MONEY		REGULATORY	R1-81-0265		DA2-C2	
EITURE		Recover	•	PILM/FINGERPRINT	a rice iiice			
Show	CUSTODY	S. CUSTOMS RE			LEON, Alberto			
	se Anester Ap		OR	Seizure No.	7. DATE PREPARED		PROGRA	M CODE
0		No			10-15-81		Tee	
mays .		10. NAME AN	D DESCA	PTION OF ARTICLES	7		COND.	12 VALUE
w. 0	e "Hot-bo	x" Cocaine tes	ster.				14	
S) On	e Ohaus (Cent-C-Gram 311	gran	scale,			3	N/A
ic): on	· Realis	tic" patrolmar	radio	and 2 sifters	•		S	X/A
			-		-0416 50312018 101	* 22	S	K/A
un on	e 26"x18"	x7" American ?	DOULTS.	HIRTTS: CLAR CE	athis exibit wil ae, Cas & Cae, 44	M 85	1 3	N/A
5 1 03	20 10 310	ME INS PULLON	210 EA	7, 0-21, 0	TONG & ONL) III			
E Co	e silver	colored tool	tox an	Graus Mal-4-	Gran 2610 gran 80	cale,	4	
							-	-
							+	
			-	7				
eles, Cal bank P.D. lbits mai cessed th	and main	pursuant to a Sitained by him in L.A.D.O. Bri	State until	Search Warrant 9-29-81 when Vault until 10	seized by at 790; #S-380. Exhibits turned them ove -15-81 when S/A	scirce ar to S De Vorm	by De S/A De re remo	t. Jim Bo Worre. wed and
bank P.D. lbits mai	and sain rtained i	cantinvestuato	until idence	9-29-21 when Vault until 10	turned them over	De Vori	S/A De	Vorre, wed and
bank P.D. lbits mai	end sain rtained i	CENT/INVESTURATO	until idence	9-29-21 when Vault until 10	turned them over	seise er to S De Vors	S/A De	t. Jim Ro Worre, wed and
bank P.D. Lhits mail cossed th BUBMITTED I David I.	and main ritained i	cantinvestuato	until idence	9-29-21 when Vault until 10	turned them over	De Vori	S/A De	Vorre, wed and
bank P.D. Lhits mail cossed th BUBMITTED I David I.	and main ritained i	GENT/INVESTIBATO	until idence	9-29-21 when Vault until 10	turned them over	De Vori	S/A De	Vorre, wed and
bank P.D. Lits maintenance the superitted in David I.	and main ritained i	GENT/INVESTIBATO	untillidence	9-29-21 when Vault until 10 And 18 APP RECEIPT REPORT AND 16/16/8/	acturned them over 15-21 when S/A	De Vori	S/A De	Vorre, wed and
David Le	and main ritained i	GENT/INVESTURATO	untillidence	Vault until 10 Vault until 10 RECEIPT REPORT (FOR EVIDENCE CU	acturned them over 15-21 when S/A	De Vori	S/A De	Vorre, wed and
David Le	and main rtained in the verter of the verter	GENT/INVESTURATO	untillidence	Vault until 10 Vault until 10 RECEIPT REPORT (FOR EVIDENCE CU	TOURNUSS ONLY)	to to	S/A De	Vorre, wed and
bank P.D. Lbits mail bassed th BUBMITTED B David L. David L. Davesen F. Umbroh	and main rtained in the verter of the verter	GENT/INVESTURATO	untillidence	Vault until 10 Vault until 10 RECEIPT REPORT (FOR EVIDENCE CU	TOURNUSS ONLY)	to to	S/A De	Vorre, wed and
David Le	and main rtained in the verter of the verter	GENT/INVESTURATO	untillidence	Vault until 10 Vault until 10 RECEIPT REPORT (FOR EVIDENCE CU	TOURNUSS ONLY)	to to	S/A De	Vorre, wed and
David Le	and main rtained in the verter of the verter	GENT/INVESTURATO	untillidence	Vault until 10 Vault until 10 RECEIPT REPORT (FOR EVIDENCE CU	TOURNUSS ONLY)	to to	S/A De	Vorre, wed and
bank P.D. bits mai bessed th BUSMITTED I David I.	and main rtained in the verter of the verter	GENT/INVESTURATO	untillidence	Vault until 10 Vault until 10 RECEIPT REPORT (FOR EVIDENCE CU	TOURNUSS ONLY)	to to	S/A De	Vorre, wed and
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UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

HONORABLE A. WALLACE TASHIMA, JUDGE PRESIDING

No. CR 81-907-AWT

UNITED STATES OF AMERICA, PLAINTIFF

v.

ALBERTO ANTONIO LEON; ARMANDO LAZARO SANCHEZ; PATSY ANN STEWART; RICARDO ALBERT DEL CASTILLO, DEFENDANTS.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Los Angeles, California Monday, January 11, 1981 Tuesday, January 12, 1981

M. LENOIR EDDY, CSR
Official Reporter
417 U.S. Courthouse
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Los Angeles, California 90012
(213) 628-2530

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THE CLERK: Item 9, Criminal 81-907-AWT, United States of America v. Alberto A. Leon, Armando Lazaro Sanchez, Patsy Ann Stewart and Ricardo Albert Del Castillo.

Counsel, please announce your appearances.

MR. DAVIDSON: Good afternoon, Your Honor. Anstruther Davidson for the United States.

MR. COSSACK: Good afternoon, your Honor. Roger Cossack for Patsy Ann Stewart, who is present in the courtroom.

MR. VODNOY: Good afternoon, your Honor. Joseph Vodnoy on behalf of Armando Lazaro Sanchez, who is present in the courtroom.

I am going to associate also with Mr. Abzug, who will actually be arguing today.

THE COURT: Good afternoon.

MR. LICHTMAN: Good afternoon, your Honor. Jay Lichtman with Mr. Del Castillo, who is present.

MR. KAPLAN: Norman Kaplan, appearing on behalf of Mr. Alberto A. Leon, who is present.

THE COURT: Why not be seated.

We have, I guess, two classes of motions. The first motion, as I recall, is the motion to dismiss the indictment made by the defendant Stewart.

[5] As far as I can tell, I think all of the other defendants have joined in that. Does any defendant not join in that or does not want to join in that?

(No response.)

I have reviewed the papers on that motion, the moving papers and the Government's opposition. Who made that?

MR. COSSACK: I did, your Honor.

THE COURT: Mr. Cossack, did you make that motion?

MR. COSSACK: Yes, sir.

THE COURT: Do you want to argue it further?

MR. COSSACK: Your Honor, I would just state the following.

THE COURT: You do not have to repeat anything that is

in the papers.

MR. COSSACK: I would just state that the Government's response to that motion, your Honor, there are some things that I do not believe are necessarily a threat in the Government's response.

The Government indicates that the reason the necessary materials were not put before the Grand Jury was that they were inculpatory rather than exclupatory, and, in reviewing the affidavits of Mr. De Vorre of the Police Department and the affidavit of the Burbank police reports, there is no indication, of course, that Security did not pick up all bags that were checked.

[6] In fact, the only information that the Police Department are able to come forward with, in terms of whether or not she was able to pick up a bag that was checked in Miami is in a statement contained in either the Burbank police report—strike that—in the affidavit for the search warrant—and what that statement is is as follows:

Your Honor, it just says that we received information that she had checked a bag in Miami. It is a hearsay statement made to a police officer, and no indication who that person was, whether it was a police officer's or employee of the airline, or who it was.

That is what they base the fact to be inculpatory evidence based on the fact that Mrs. Stewart failed to pick up the bag checked in Miami, and didn't pick it up in Los

Angeles.

Moecver, your Honor, I think the situation is important. This is gratuitous testimony that came before the Grand Jury. There was absolutely no necessity for the Grand Jury to hear about a trip Mrs. Stewart took to Miami or Mr. Sanchez took to Miami unless there was something illegal happening in Miami, or something illegal happening that was being transported from Miami to Los Angeles.

In fact, the very opposite thing happened.

In fact, these two were the very subject of a stakeout and these two were stopped—Stewart and Sanchez—at [7] the sirport; searched their bags with their consent. Found a small amount of marijuana of less than one ounce, and no drugs at all were found. Now this is the scene where no drugs are seen where officers are investigating the matter.

I suggest to the Court that this is the kind of activity where the Courts are talking about guarding the activities

of the Grand Jury.

I know I don't have to mention to the Court the expectability of problems with the Grand jury, but when you have a situation as you have here where you have some testimony about at trip to Miami, which I only tried to point out in my motion for the purposes of making the Grand jury believe that drugs were either purchased in Miami or brought back from Miami by Mr. Sanchez or Mrs. Stewart, and then contemporaneously getting off of the airplane, their own agents search and do not find any drugs, that issue is not brought to the Grand Jury, and the conclusion necessarily is that that testimony was necessarily deliberately withheld from the Grand Jury, well, it is clear that that is the kind of testimony that we want our Grand Jury to hear that it is being kept from them.

Now, I agree with the Government. In fact, these matters are traditionally looked upon by the courts and very

rarely granted.

But in this situation, this seems to be a clear, [8] clear, clear violation of what the Grand Jury is supposed to be.

It seems to me that once you bring up that point about them going to Miami and then coming back from Miami, then I think you have to drop the other shoe and tell those people that the fact is we did check their luggage, we searched them personally, and they consented to that search, and nothing, no drugs were found.

I think what you have here is sort of a negative pregnant

lift in the testimony before the Grand Jury.

You have a police officer, in fact that was the only independent witness to testify before the Grand Jury.

He gets up and says, "Yes, we are investigating these people for narcotics' violations. We watched them go and

come back from Miami immediately thereafter."

"Now, Officer, isn't it a fact and isn't it true that drugs are smuggled in by boat and is much easier from the East Coast?"

"Oh, yes, because access is easier to them."

But the Grand Jury is then led to believe that they somehow a few days later meet their contact, and somehow are led to believe that they get off their plane a day or so later; their residences are searched, and contraband was found.

And the only thing the Grand Jury could reasonably [9] come up with would be that they must have brought this contraband back from Miami on that trip to Los Angeles, and the Grand Jury is intentionally not told that that is not true.

And I submit to the Court that that is not what the courts have said it is about, and I will submit that motion on that ground.

THE COURT: Mr. Davidson, do you want to respond?
MR. DAVIDSON: Well, I really don't have anything to
add to the moving papers, your Honor.

I believe the recent law in the Leverage Funding case and the Trass case is quite clear, even granting this to be an exculpatory matter, which I suggest it is not.

All that the Grand Jury was told was that they went to Florida and never intended to bring drugs back and forth with them.

I would respectfully request that the motion be denied on thoe grounds.

MR. COSSACK: Your Honor, may I reply?

THE COURT: No. He is responding to your argument. I am going to deny the motion. I think it is exculpatory, not inculpatory.

The other circumtances may be inculpatory, though that isn't the issue here.

The other circumstance is the issue of whether that [10] piece of evidence should have been disclosed to the Grand jury so that they knew that only a small amount of narcotics had been disclosed upon search.

Although it is exculpatory, I think Leverage Funding is very clear that the prosecutor is not required to present exculpatory evidence to the jury. I do not think it was a matter of great moment and would not change the vote of the Grand Jury.

I do not think it was particularly overreaching, and does not seem overly prejudicial; so the motion to dismiss the indictment is denied.

We have a number of other motions and a number of defendants who wish to suppress evidence, quash the search warrant, et cetera.

I want to make sure everybody has a chance to state what motion they are making.

First, Mr. Kaplan.

MR. KAPLAN: Yes, your Honor.

THE COURT: On behalf of defendant Leon, tell me what is your motion? What are you going to request to be

suppressed?

MR. KAPLAN: My motion is to suppress the evidence found on Mr. Leon at the time of his arrest, and also the search of the residence—a question as to standing as to his own residence since the Government raised this direct [11] in their response.

I do have an inquiry, your Honor. I don't believe there is

an issue as to standing as to his own residence.

Since the Government raised this directly in their response, a number of the attorneys for the defense would like to inquire, your Honor, if there is a problem on standing we would like the opportunity to remedy it, because I have an affidavit showing that Mr. Leon resided at the Sunset Canyon residence.

But I assume because the affidavit of the officer brought before the Magistrate and in the warrant itself they brought this before the Magistrate, and we assume there

would be no problem on standing.

If the Court feels there is a problem, we do have an affidavit to submit, or perhaps the Government would be willing to stipulate.

This is only on his home.

THE COURT: You had better submit your affidavit, because I do not want you to take the position later that you feel you were cut off then.

MR. KAPLAN: Thank you, your Honor.

THE COURT: Mr. Abzug.

MR. ABZUG: Yes. Good afternoon, your Honor.

THE COURT: What is your motion, the grounds of your motion?

[12] MR. ABZUG: Mr. Sanchez seeks to suppress the results of the search at 620 Price Drive, as well as the obtaining of statements which he made shortly after the search which we claim are the fruits of an unlawful search.

In addition, we seek to join and have filed a joinder with

all of the other motions of the defendants.

THE COURT: Well, in what motions have you joined in?

MR. ABZUG: I beg your pardon?

THE COURT: I say, in what motions have you joined in? In other words, I want to know exactly what your moving position is. 620 Price Drive and where else?

MR. ABZUG: A search at the Magdalena address which

we are seeking to join in, as well.

THE COURT: Mr. Cossack.

MR. COSSACK: Yes. On behalf of Mrs. Stewart, we are joining Mr. Lichtman's motion.

We are attempting to suppress the search at 620 Price

Drive and 7902 Via Magdalena.

Now, I, too, have a question as to whether or not standing is an issue in this matter in that the Government originally referred to my client, Patsy Stewart, as a resident of 620 Price Drive. I don't think there is anyone here claiming, nor does she claim to be a resident of other than 620 Price Drive.

I am prepared to send out and file an affidavit on [13] the fact that she does reside at 620 Price Drive.

The Government's papers refer to her as being the person who pays the utilities at 7902 Via Magdalena.

THE COURT: Just a minute. You are moving on 620 Price Drive and where else?

MR. COSSACK: 7902 Via Magdalena.

THE COURT: I think you should file whatever you have.

MR. COSSACK: Yes, sir.

THE COURT: Now, is that it for you?

MR. COSSACK: Yes, sir.

THE COURT: All right. Then Mr. Lichtman.

MR. LICHTMAIJ: Yes, your Honor.

THE COURT: What are you moving on?

MR. LICHTMAN: As we have detailed in the motion, we are moving to suppress the searches of the Price Drive residence, the Via Magdalena residence, as well as Sunset Canyon; as well as all of the vehicles and all of the safe deposit boxes.

The reason that we are requesting so much is under the precarious standing doctrine of California, that any evidence that would be introduced at the proceeding would be subject to a suppression motion; therefore, we are moving to suppress any evidence that was obtained during the searches and seizures on September 21st pursuant to that state search [14] warrant that was issued.

THE COURT: Mr. Cossack?

MR. COSSACK: May I approach the clerk, your Honor? THE COURT: Yes.

Let's do it this way. What do you want to be-

MR. LICHTMAN: Your Honor, I would like to say one other thing.

The one issue in our motion that we feel may require additional testimony or additional evidence is the manner in which the warrant was executed, and there is a declaration from Officer Rombach submitted with the Government's opposition regarding the execution of the warrant.

We would like to cross-examine Officer Rombach solely on the execution issue, and perhaps put on some testimony for the defendants regarding the manner in which the

search was made.

That would be our intention in presenting that motion.

MR. COSSACK: Your Honor, I have testimony of Rombach, too.

As I was told this, the way I have seen it there is a similar conflict of what appears in the reports of the Burbank Police Department and one affidavit in the search warrant. I may have some questions on a conflict, your Honor.

THE COURT: As far as the defendants are concerned, [15] all you want to do is cross-examine that one officer and

then maybe put on some evidence on your own?

Is that right?

MR. LICHTMAN: Yes, your Honor.

MR. COSSACK: Well, there are other officers here who were present at the arrest.

THE COURT: Let me ask you this, the Government first: What do you want to be considered in support of this motion? Who is fully correct?

You filed one affidavit.

MR. DAVIDSON: One declaration of Officer Rombach we have an—

THE COURT: I assume you want the affidavit in support of the application for the warrant to be issued— I mean to be considered, too. Right?

MR. DAVIDSON: Yes, your Honor.

We don't reproduce it, but it is attached to Mr. Del Castillo's motion.

THE COURT: I assume you want the affidavit in support of the warrant to be issued and to be considered by the Court?

MR. DAVIDSON: Yes, your Honor.

We didn't reproduce it because it is attached to Mr. Del Castillo's motion.

THE COURT: All right.

[16] MR. DAVIDSON: Your Honor, the only other matter is with respect to the arrest of Mr. Leon.

My understanding of the pleadings were that there was no evidence submitted or declaration in conformance with the local rules by this defendant, particularly by Mr. Kaplan on his motion as regards the arrest issue. If that issue is to be litigated or if he is to present evidence on that, then we would be prepared to submit evidence on the arrest of Mr. Leon. That would be the only other matter.

THE COURT: There is no affidavit on that?

Co

MR. KAPLAN: As to Rule 11?

THE COURT: Yes.

MR. KAPLAN: Well, your Honor, the affidavit of David De Vorre that accompanied the Magistrate's complaint indicated that he had been arrested, and that narcotics were taken from his person, and that would be sufficient re a search of his person.

THE COURT: You don't raise any questions under Rule 11, which says you are supposed to file an affidavit to show what the facts are that you are going to prove?

MR. KAPLAN: That there wasn't sufficient probable cause for conducting the arrest that burdenalized or re-

quired the Government to satisfy that request.

THE COURT: What evidence, if any, do you intend to present today in support of that motion aside from what [17] is already in the record? Is there anything?

MR. KAPLAN: Nothing today, your Honor. Merely the

fact that-

THE COURT. So he is not calling any witnesses, Mr. Davidson? It is just a matter of getting it on the record; right?

MR. KAPLAN: Your Honor, perhaps I should make a further comment. Unless the Government takes the position that he wasn't arrested, then I would have to put him on. I don't think there is any question—there should be none—especially in fact that the affidavit of the officer that Mr. Leon was arrested, and I refer to the Court files in the affidavit and the support of the Magistrate so indicating that.

On the second page, No. 8 Sunset Canyon, was taken into custody at that time. He had a white ring of powder around his nostril; a vial of narcotics, cocaine, that was seized in evidence. And the motion to suppress evidence of that is already in the affidavit in the court records.

THE COURT: Mr. Davidson.

MR. DAVIDSON: Your Honor, I don't believe this is being done the way the rules call for. However, I would like, no matter what happens, considering the illegality of that arrest, to call Mr. De Vorre, who is present, to briefly recount those facts.

[18] THE COURT: I think we should do it this way: I think that, in addition to what is in the file—the papers, the affidavits—the Government has one additional piece of evidence. I think we should put him on and can cross-examine him any way you want.

MR. KAPLAN: Fine, your Honor.

MR. ABZUG: On behalf of Mr. Sanchez, your Honor, his standing in the moving papers to request the search at the 620 Price Drive address because indeed they allege that he lived there throughout the papers; but, out of an abundance of caution, and I would, of course, like to put him on the stand and take him on cross-examination.

THE COURT: Well, let me ask Mr. Davidson: Do you contest his standing in the sense of what he claims—Mr. Abzug—that he was at that address at that time?

MR. ABZUG: Yes, your Honor. We claim that he lived

there five months prior to-

THE COURT: Will you stipulate to that?

MR. DAVIDSON: I will stipulate that he testified-

THE COURT: The stipulation is that the defendant Sanchez, if he were called, would testify that he lived at the—

MR. ABZUG: -620 Price Drive, your Honor.

THE COURT: On September 21, 1981 he resided at 620 Price Drive in Burbank?

[19] MR. ABZUG: Yes, your Honor.

THE COURT: And that he would so testify? MR. ABZUG: I am satisfied at that period.

MR. DAVIDSON: Fine.

THE COURT: Will that be satisfactory?

MR. DAVIDSON: I would then all Agent David De Vorre.

MR. COSSACK: May I ask that all of the police officers—I don't know if there will be any—be excluded from the court?

THE COURT: All right?

Do you have any possible witnesses?

MR. DAVIDSON: Yes, your Honor, I have. I asked them to leave.

THE COURT: And that includes not only police officers but—

MR. LICHTMAN: Yes, your Honor. I have asked them to leave, and they are leaving now.

THE COURT: That will be not only police officers but

defense witnesses.

MR. LICHTMAN: Yes, your Honor. I will see to it that they leave because that would involve witnesses on either side.

(Brief pause.)

THE COURT: Swear in the witness.

[20]

DAVID L. DeVORRE,

called as a witness on behalf of the plaintiff, having been first duly sworn, was examined and testified as follows:

THE CLERK: Please be seated.

(Witness complies.)

Please state your full name for the record and spell your last name.

THE WITNESS: David L. De Vorre, D-e V-o-r-r-e.

DIRECT EXAMINATION

BY MR. DAVIDSON:

- Q. Mr. De Vorre, are you a Special Agent of the Drug Administration?
 - A. Yes, I am.
 - Q. How long have you been employed in tht capacity?
 - A. Almost 11 years.
- Q. Now, on September 21, 1981, did you participate in the execution of a search warrant at a number of locations including the location 716 South Sunset Canyon in Burbank, California?
 - A. Yes, I did.
- Q. Approximately what time of day were you at 716 Sunset Canyon?
 - A. I'm not sure of the hour. It was late, though.

[21] Q. And who else was there with you?

A. Several Burbank police officers-narcotics officers.

My partner, Special Agent Dromgoole, Officer Rombach of the Narcotics Division, Burbank PD.

Q. And what did you observe when you first arrived?

A. On our arrival there had been a surveillance team already in position at the residence; we observed a Corvette—

MR. KAPLAN: I have to object. Rather than what he testifies, or what he observed, I think he should testify as to what he saw.

THE COURT: The objection is sustained.

THE WITNESS: Upon arrival at the location I observed a Corvette parked, I believe, on the south side of the house facing Sunset Canyon.

We were there on a very—I was there a very brief time when two males were observed walking out of the house toward the Corvette.

There was a radio transmission to proceed to the residence to begin the execution of the search warrant, at which time myself and one of the Burbank officers walked up to one of the two gentlemen that was approaching the Corvette, and advised him that we were police officers, and were approaching the rear door of the Sunset Canyon residence, [22] and to just stand by.

There were a lot of things occurring at the residence, and we simultaneously—there were officers approaching the door, and then we were detaining Mr. Leon as he was subsequently identified to me as Mr. Leon.

BY MR. DAVIDSON:

Q. Let me stop you there.

Did you detain one person or two persons?

A. Two persons.

- Q. Were you one of the officers detaining those individuals?
 - A. Yes, I was.
 - Q. And was one of those individuals Mr. Leon?
 - A. Yes, it was.
 - Q. And how at first were you detaining them?
- A. We just walked up to them and identified myself as a police officer, and "Would you please put your hands on the car," and he cooperated at that time.
 - Q. This was Mr. Leon?
 - A. That's correct.
- Q. Did the other individual place his hands on the side of the car?
- A. Yes. There were other officers on his side of the car with him.

[23] Q. Now, could you descirbe what you observed about Mr. Leon at that time?

A. Well, as he was leaning up against the Corvette, he kept turning around, looking over his left shoulder and right shoulder.

At about that time I noticed that his eyes were somewhat glassy. Well, about when he turned around at one point I noticed he had a white ring of what appeared to be powder around his nose.

He seemed to be somewhat agitated, not calmly; just resting up against the car waiting to find out what was occurring.

He just seemed to be very nervous and very agitated.

Q. What did you do at that time?

A. Well, at that time I put the handcuffs on him. I asked him to bring his right hand behind his back, and I put the handcuffs on him and closed them.

Q. Then what happened?

A. Shortly thereafter, Officer Rombach who had been at the rear residence entrance came back over to the car, and advised Mr. Leon that we were in the process of executing a search warrant at the residence, and that the back door was locked and secured, and would he please give us the key.

Q. And what did Mr. Leon say? Did he say anything? [24] A. Yes. He said that the keys were in his pants pocket.

Q. What happened then?

A. As I had Mr. Leon in custody, I reached into I believe his right front pants pocket for the keys, and just pulled out everything I could get my hands on, and a set of keys was there in addition to other articles.

Q. What other articles did yo find?

A. There was a wad of U.S. currency bills—several denominations—and a clear glass vial of white powder.

Q. Were the keys used to open the house?

A. Yes, they were.

Q. Was the house opened after you reached in the pocket?

A. Yes. I gave then the keys to Detective Rombach.

- Q. And then what occurred?
- A. (No response.)
- Q. Let me ask the question the other way: Was the search executed in the house?
 - A. Yes, that's correct.
 - Q. What happened to Mr. Leon?
- A. He was—M'mm—I believe he was taken back inside, and I can elaborate.

Detective Rombach and myself and other police officers

were in a van, a police van, and we were-

MR. KAPLAN: Pardon me, just one moment. I hate to [25] object, your Honor, but this is not responsive to the question.

We are going into an area of-

THE COURT: The objection is sustained.

Reask him the question.

BY MR. DAVIDSON:

Q. What did you do after the keys were used to open the house and when the search was begun in the house?

A. Oh, Mr. Leon was taken, I believe, into the house

and he remained there.

I then departed with Detective Rombach in the police van.

(Brief pause.)

- Q. At the time that you put the handcuffs on Mr. Leon had you formed an opinion in your own mind as to whether or not he might have ingested or breathed any controlled substances?
 - A. Yes, I did.

Q. Well, first of all, what was that opinion?

MR. KAPLAN: I'm going to have to object. This is very suggestive and leading, and I think highly improper to ask the question in that form.

THE COURT: The objection is overruled.

You may answer the question.

THE WITNESS: I'm sorry. Can you repeat the question?

[26] BY MR. DAVIDSON:

Q. Did you have an opinion as to what, if anything, Mr. Leon had taken?

A. Yes.

I had formed an opinion that he had ingested cocaine due to the white ring around his nostril.

Q. Did you base that opinion upon anything else besides the white ring around his nostril?

A. Yes.

During the investigation, it came to my knowledge that Mr. Leon had been arrested for possession of dangerous drugs at one time.

Q. Did you form that opinion based upon any other ob-

servance of Mr. Leon at the time?

A. His agitated state and his eyes, mainly.

Q. Had you previously in your work as a Drug Enforcement Administration officer, seen people who were—who had used cocaine?

A. Yes, sir.

MR. DAVIDSON: I have no further questions, your Honor.

THE COURT: Any cross?

[27] CROSS-EXAMINATION

BY MR. KAPLAN:

Q. Agent De Vorre, when you went to the location on Sunset Canyon, you went to execute the search warrant; is that correct?

A. That's correct, yes, sir.

Q. You did not have in your possession a warrant for the arrest of Mr. Leon, did you?

A. That is correct.

Q. You did not have in your possession a warrant for the search of the person of Mr. Leon?

Is that correct?

A. That's correct.

Q. When you arrived at the Sunset Canyon address, you stated you were there for a brief period of time. How long a period of time would you say?

A. I-It would have been several minutes.

Probably not more than 10 minutes.

- Q. During that 10 minutes, you say that you received a radio transmission as to the continuation of the warrant?
 - A. Yes, that's correct.
- Q. Do you recall if it was immediately prior—at the conclusion of 10 minutes or at the beginning of the 10 minutes that you were there?
 - A. Oh, I couldn't say.
- [28] Q. When you received the radio transmission, how long did you wait before you saw two men leave the residence?
- A. The radio transmission came after they were observed walking out of the residence toward the car.
- Q. Do you know who the other person was other than Mr. Leon?
- A. I—If I may, there were two other subjects that were arrested in the case that were not filed upon.

One of them has a last name of Gerald, and I'm not sure about the other person.

- Q. Was the person Gerald the person walking with Mr. Leon when leaving the house?
 - A. I don't recall right now.
- Q. Did you make any notation who the other person was?
 - A. Not right there at the scene.
- Q. Did you make any notations at a later time—not at the time—but at a later time who that person is by name or identity?
 - A. I believe it may be in the Burbank police report.
- Q. That second person was also detained—I believe both were detained at that same time?
 - A. Yes, sir.
- Q. You stated that you placed their hands on the car, both persons?
- [29] Is that correct?
- A. It is just dealing with Mr. Leon on one side of the car.
 - Q. I see.

Now, his car was parked on a public thoroughfare, was it not—on the street?

A. Are you speaking of the Corvette?

- Q. Yes. The car on which the hands were placed?
- A. Yes, it was.
- Q. Did you have him lean against the car at that time? Did you conduct a patdown search or a search for weapons?
 - A. Yes, I did.
 - Q. Did you recover any weapons?
 - A. No, sir.
- Q. Prior to arriving at that location, Agent De Vorre, you didn't have any knowledge that he was presently—and when I spoke of "he" I mean Mr. Leon—was presently armed, did you?
 - A. No, sir.
- Q. When Mr. Leon was told to place his hands on the car and he was detained at that time, and you conducted your patdown search, he was not free to leave, was he?
 - A. No, sir.
- Q. Did you have a warrant for the arrest or search [30] of the other person that was with Mr. Leon?
 - A. No, sir.

MR. KAPLAN: I have nothing further.

THE COURT: Any other cross?

MR. ABZUG: No, your Honor.

THE COURT: Any questions from the defendants?

MR. COSSACK: No, your Honor.

But there is a possibility I may wish to call the agent regarding the execution of the warrant on the Price Drive residence, but no questions on this.

THE COURT: Any other questions, Mr. Davidson?

MR. DAVIDSON: No, your honor.

THE COURT: Let me ask you a question, Agent De Vorre.

EXAMINATION

BY THE COURT:

- Q. Is it regular DEA procedure when you are about to execute a search warrant that you detain anybody who happens to be at the place that is to be searched?
 - A. Yes, sir.

Q. Was there any other reason besides then why you detained these persons as they came out of the Sunset Canyon address?

[31] A. No, sir.

THE COURT: All right, Anything else?
MR. DAVIDSON: I have nothing else.
THE COURT: You may step down now.

We are going to take a recess at this time because I have to go back to something on the motion calendar. But it will be brief—say maybe we will take a little break of about 10 minutes or so.

What do you want to do next? Do you want to cross-examine? Do you have anything else? Is that right?

MR. DAVIDSON: I have nothing else.

I guess the next thing for them would be to cross-examine Officer Rombach.

THE COURT: Then you want cross-examination of Mr. Rombach?

MR. COSSACK: Yes, your Honor.

THE COURT: Then get together because we will take a 10-minute break.

(Proceedings in the foregoing were recessed at 2:55 p.m.) (Proceedings in unrelated matter heard.)

[32] LOS ANGELES, CALIFORNIA, MONDAY, JANUARY 11, 1982: 3:22 P.M.

THE COURT: Let's get our next officer up here for cross-examination.

MR. LICHTMAN: I would ask for Officer Rombach.

THE COURT: Officer, will you come up and be sworn, please.

CYRIL A. ROMBACH,

Called as a witness on behalf of the plaintiff, having been first duly sworn, was examined and testified as follows:

THE CLERK: Please be seated.

(Witness complies.)

State your name, spelling your last name for the record. THE WITNESS: Cyril A. Rombach, R-o-m-b-a-c-h.

DIRECT EXAMINATION

BY MR. DAVIDSON:

Q. Officer Rombach, you are an officer with the Burbank Police Department.

Is that right?

A. Yes.

Q. You executed a declaration dated January 5, 1982, [33] appended to the Government's motion.

You are that Cyril A. Rombach, are you not?

A. Yes.

Q. Did you participate in a search of the 620 Price Drive residence on September 1st[sic], 1981?

A. Yes.

Q. Was that at approximately 5:30 p.m.?

A. Yes, sir.

Q. How many officers were with you on that search?

A. I believe there was a total of eight or nine.

- Q. And approximately seven of them were wearing Raid jackets?
- A. I belive most of the officers were wearing Raid jackets. I can't say if all of them were.
 - Q. Were all of the officers armed?

A. Yes.

Q. And they were armed with shotguns and rifles?

A. That's not correct.

- Q. Roughly how many were armed with shotguns and rifles?
 - A. Maybe two or three with shotguns.

There were no rifles.

Q. And the other officers had handguns.

Is that correct?

[34] A. Yes.

- Q. when you approached the 620 Price Drive, did any of the officers go to the rear of the residence?
 - A. Yes.
 - Q. How many officers?

A. Two.

A. And who were they?

A. Detective Bill Allen and Detective Larry Hoeschen.

- Q. Did the remainder of the officers go to the front of the residence?
 - A. Yes.
- Q. And you were then located at the front of the residence?
 - A. Yes.
- Q. When you were located at the front of the residence, did you hear Detective Allen say anything?
 - A. Yes.
- Q. Detective Allen now is at the rear of the residence. Correct?
 - A. That's correct.
 - Q. What did Detective Allen say?
- A. He said "Hold it," along with some other words that aren't too nice.
- Q. Well, without going into those words, what was the [35] essence of what he said to inform or to order the people that were in the rear of the residence to cease movement?

Would that be a fair characterization?

- A. I believe they were in the rear yard at the residence, and that would be a fair characterization of it, yes.
- Q. Was Detective Allen one of the detectives who had a shotgun?
 - A. I believe he did.
- Q. And was the other officer with him, was he the other officer who had the shotgun?
- A. I don't know what Detective Hoeschen was armed with.

I believe one of the other officers in the front also had a shotgun.

- Q. When you heard Detective Allen say this, was it true that Detective Allen was yelling?
 - A. Yes.
- Q. After Detective Allen told the occupants to cease their movement, was there anything that you were aware of that they did at that time where they did not comply with the detective's orders?
 - A. Yes.
 - Q. What was that?
 - A. He repeated it at-he repeated his order to them.

[36] Q. Other than repeating the order, was there any other indication?

A. From that point on I was a little busy at the front

door. I could hear Allen talking.

- Q. I am asking just to the point did you hear Detective Allen say for the first time, "Stop," and whatever he did say? Whatever he did yell at that time, was there any other occasion other than the fact that he repeated it which gave you the impression that the people he was addressing were not complying with his directions?
 - A. I could hear people running inside of the residence.
- Q. Now, this was occurring at the time Detective Allen was making these statements?
- A. Just about the same time, yes. Maybe shortly thereafter.
- Q. Just jumping ahead for the moment, these two individuals who were in the rear of the residence, as you found out, after you went into the residence, were Mr. Sanchez and Miss Stewart.

Is that right?

A. Yes.

Q. Now, the first time you did anything or took any action at the front door was after you heard Detective Allen making these statements.

[37] Is that right?

A. Yes.

Q. And what actions did you personally take at the front door?

A. Another officer knocked, and I yelled in a loud voice, "Police. We have a search warrant. Open the door."

Q. Did you say anything else?

A. No.

Q. Now, after you said that, did you hear any response from anyone inside of the residence?

A. All I heard was-

Q. Well, answer the question, please.

A. Yes.

Q. And what did you hear?

A. The sound of running.

Q. Did you hear any verbal response?

- A. No, sir.
- Q. Did you hear any verbal response to your question or to your directive at any time prior to your entering into the residence?
 - A. Yes.
 - Q. What was that?
- A. All I could hear was voices coming from within the residence.
- [38] It was—I couldn't understand what they were saying.

They were talking in an extremely fast, excited manner.

- Q. What language were they talking in?
- A. Pardon me?
- Q. What language were they talking in?
- A. I believe it was English, but I don't know.

Like I say, I couldn't understand what was being said.,

- Q. Other than that, did you hear anything else being said in the residence?
 - A. No.
- Q. You state in your declaration that you were in fear that there was contraband being destroyed inside of the residence, and that the people inside were arming themselves.

Is that right?

- A. Yes.
- Q. Other than the fact that you heard running and heard speaking, was there any other reason that you based that fear on?
 - A. Just my prior experience.
- Q. Well, other than your prior experience, was there anything else that happened that you based that fear on?
 - [39] A. No.
- Q. Did the occupants of the residence at the time say anything that indicated they knew the police were at the front door?
 - A. No.
- Q. Now, how did you enter the residence—or let me ask it more directly.

Isn't it true that you and the other officers at the front door broke down the front door to enter?

- A. That is true.
- Q. How did you go about breaking down that front door?

Did you have some instruments to do that?

A. Yes.

Q. And what were they?

- A. A small, I guess you would call it a battering ram.
- Q. You used that to batter down the door?
- A. I didn't.
- Q. One of the officers with you did; isn't that right?
- A. Yes.
- Q. And when you entered the residence, once you were inside, who was inside of the residence?
- A. Mr. Del Castillo, I believe, was just inside the front door. There was another gentleman seated in the living room area.
 - [40] Q. Was that Mr. Jerro, Juan Jerro?

A. Jerro, yes.

- Q. Were there any other people inside the residence?
- A. Not that I recall.
- Q. Subsequent to this, you conducted a search of this residence.

Is that right?

- A. A search was conducted.
- Q. You participated in the search, didn't you?
- A. No.
- Q. You were present in the residence when the search was conducted, weren't you?
 - A. No.
- Q. You left the residence after the search and you broke in?
 - A. After it was secure, yes.
 - Q. You did not return to the residence?
- A. Approximately an hour or an hour and a half later, yes.
- Q. Without going into detail as to where contraband items were found, if there were any, do you know what rooms of the residence the search concentrated in?
- I believe all of the rooms of the residence were searched.

- [41] Q. Do you know where most of the items were taken from?
 - A. I believe the bedroom and living room area.
- Q. Wasn't it for sure that most of them were taken from the bedroom only?
- A. I can't answer that question because I did not conduct the search.
- Q. When you entered the residence and Mr. Jerro and Del Castillo were there inside, did they immediately submit to your authority and give you no resistance?
 - A. That's correct.

MR. DAVIDSON: No further questions, your Honor.

THE COURT: Who is next?

MR. COSSACK: I believe I am, your Honor.

CROSS-EXAMINATION

BY MR. COSSACK:

- Q. Officer Rombach, are you the affiant in the search warrant, aren't you?
 - A. Yes.
- Q. In the search warrant, you indicated you had a conversation with a person named Armando and Patsy.

Is that correct?

- A. Yes.
- [42] Q. You indicated that you were contacted by confidential informants in August of 1981.

Is that correct?

- A. Yes.
- Q. Were you contacted by the confidential informant or were you contacted by someone else?
 - A. I was contacted by the informant.
- Q. All right. Was the informant in custody of a police officer at that time?

A. No.

MR. DAVIDSON: Objection, your Honor, as going outside of the scope of the affidavit. The affidavit speaks for itself.

And, failing any false statement of which there has been no allegation on this, testimony on probable cause would be irrelevant. MR. COSSACK: Your Honor, if I might state this: the case of People v. Theodore, which is the leading California case so far as known on search warrants, I would be allowed to go behind the face of the search warrant and the search warrant.

As the Court knows, we made a motion to find out who that informant was, and that motion was denied.

This is going to be my chance, at least, to talk to Officer Rombach about what he heard from that informant.

I think the California case allows me to do that, [43] and I would ask the Court to allow me to ask these questions.

THE COURT: I don't believe whatever else the informant may have told him on the search warrant is relevant, so the objection is sustained.

MR. COSSACK: Very well, your Honor.

BY MR. COSSACK:

Q. Officer Rombach, did the informant that you spoke to, was it August 18th that you spoke to the informant?

A. Yes.

Q. Was the informant—did the informant receive any kind of reward or lesser sentence or help from the Police Department for giving the information?

MR. DAVIDSON: Objection, your Honor.

THE COURT: The objection is sustained. Same subject matter.

MR. COSSACK: Pardon me?

THE COURT: I think that is the same subject matter, and according to the previous objection, it is sustained.

MR. COSSACK: Very well, your Honor.

BY MR. COSSACK:

Q. Officer Rombach, were you the author of the Burbank police reports that were compiled in this matter?

A. The initial crime report, yes.

[44] MR. COSSACK: Your Honor, may I approach the witness and show him this?

THE COURT: Yes.

MR. COSSACK: Thank you. (Counsel approaches witness.)

BY MR. COSSACK:

Q. Officer Rombach, I am showing you what appears to be a Xerox copy of a document entitled "Burbank Polcie Department, page 3."

Are you the author of this?

- A. Yes.
- Q. Officer Rombach, did you take any notes when you debriefed the informant on August 18th, 1981?
 - A. No.
- Q. Did you make any notes whatsoever that were contemporaneous in speaking to the informant on August 18th, 1981, regarding your conversation with the informant?
 - A. I don't believe so.
- Q. When was the first time that you attempted to put down on paper what the informant had told you on August 18, 1981?
 - A. Several days later.
- Q. Could you be more specific than several days? Was it more than a week?
- [45] A. Would have been approximately four to five days.
 - Q. After August 18th?
 - A. Yes.
- Q. Now, was that a handwritten report or a typewritten report?
 - A. On what the informant had told me, sir?
 - Q. Yes.
 - A. It was handwritten eventually.
 - Q. Was that then made into a typewritten report?
 - A. Yes.
- Q. Is that typewritten report contained in the Burbank police report that I have just shown you?
- A. It is actually more accurately depicted in the affidavit attached to the search warrant.
- Q. When was the affidavit on the search warrant written?
- A. It was an ongoing thing. I started writing several days after my contact with the informant.
- Q. The statement of probable cause, is that part which is considered the part that you supplied in this search warrant?

Is that correct?

A. Yes.

Q. When did you first begin this affidavit?

A. I believe it was around the 25th of August—the [46] 25th or 26th—somewhere around there.

Q. Did you entitle that "Statement of Probable Cause"?

A. Yes.

Q. In other words, the affidavit for the search warrant as we see it here today was first started by you approximately one week after your talking to the informant?

A. Not entitled as it is, but the narrative portion was

begun by me approximately then, yes.

Q. Do you have your copies—did you bring your copies of the narrative portion with you to this court today?

A. The only document I have are Xerox copies just like

you have.

Q. In other words, when I have shown you the document entitled "Burbank Police Department," was in fact what you started some days after you started talking to the informant.

Is that correct?

A. No.

Q. I have a document entitled "Burbank Police Department," and I have a statement of probable cause.

Do you have anything else regarding your conversation with the informant?

A. No.

Q. All right. Is everything that the informant told you contained within the statement of probable cause and [47] the Burbank Police Department that I showed you?

A. Yes.

Q. When was it that you wrote—How soon after your discussion with the informant did you write the worst of the statements that the informant stated that the subject known to him as Armando sold him nothing less than half-pound quantities, and the female you had known as Patsy sold methaquaalude tablets in quantities not smaller than 500 or 400 at a time?

When did you write that?

A. Just shortly after that.

- Q. Do you have the original of that when you transmitted that from memory to paper?
 - A. No.
 - Q. What happened to the original of that?
 - A. I believe it was thrown away.
- Q. Now, is it Burbank police policy that when you debrief an informant that you are to make an immediate report of your debriefing?

MR. DAVIDSON: Objection, your Honor, as calls for be-

ing irrelevant to the examination here.

The only issue—I concede there is some relevance to this line of questioning because if the defense can show perjury on the part of the witness, then they have got [48] something under Franks v. Delaware; but anything less than that—mere negligence or bad practice as to what the informant said are not relevant to a determination of alleged inadequacies in the search warrant.

THE COURT: The objection is overruled at this time.

THE WITNESS: Would you repeat the question, Counsel.

MR. COSSACK: Could the question be reread, your Honor?

THE COURT: Yes, please read the question.

(Record read by the reporter.)
THE WITNESS: No, it is not.

BY MR. COSSACK:

Q. You have no policy as to when the report should be put down in writing regarding the debriefing of an informant.

Is that correct?

- A. Yes.
- Q. Is that your testimony?
- A. Yes.
- Q. Now, the statement of probable cause which is contained as the affidavit for the search warrant, obviously was made after the notes that are contained in the Burbank [49] police report that I have shown you; isn't that correct?

MR. DAVIDSON: Objection as being argumentative, the

word "obviously."

MR. COSSACK: I am sorry. I withdraw the word "obviously," Officer.

BY MR. COSSACK:

- Q. Did you understand the question?
- A. No, I didn't.
- Q. Okay. What I am asking you is, the affidavit for the probable cause for the search warrant which is entitled "Statement of Probable Cause," that was prepared after you had prepared the Burbank police report?
 - A. No, sir.
- Q. It was prepared prior to preparing the Burbank police report?
 - A. Yes.
- Q. In other words, these documents I have shown you entitled "Burbank-Police Reports," was made after the affidavit for the search warrant?
 - A. Well after.
- Q. So the only documents which you can show us today which reflect your conversation with the alleged informant is what is contained in the affidavit for the search warrant.

Is that correct?

- [50] A. That is correct.
- Q. Now, is it your testimony, therefore, that this informant told you that this person was present in the house approximately five months ago and personally observed a sale of 500 methaquaalude tablets that took place between Patsy and another person, and also that this person observed \$1,500 in a shoebox belonging to Patsy at the time of the transaction.

Is that correct?

- A. Yes.
- Q. And that was what the informant told you?
- A. Yes.
- Q. And the only notice you have of the informant's telling you of that is the statement contained in the statement of probable cause?
 - A. Yes.
- Q. Can you tell us when the statement of probable cause was prepared?

MR. DAVIDSON: Objection, that has been asked previously, your Honor.

THE COURT: I think it has. But it is overruled.

Answer it one more time.

THE WITNESS: It was anywhere from three to five days after my conversation with the informant.

[51] BY MR. COSSACK:

- Q. The parts that I just read to you?
- A. Yes.
- Q. But it wasn't prepared in the way we have in court today? That is as an affidavit for a search warrant, was it?
 - A. No, it was handwritten.
- Q. It was handwritten, and then these handwritten notes were given to someone so that an affidavit for a search warrant could be prepared?
- A. I wrote the affidavit for the search warrant, and it was given to a secretary to type.
 - Q. Were you assisted in this by a District Attorney?
 - A. No.
- Q. So you took this affidavit for a search warrant, you remember to Judge Murphy?
 - A. Yes.
- Q. Without the assistance of a Deputy Assistant Attorney?
- A. I wrote it myself. I had three Deputy Assistant Attorneys who looked at it prior to taking it to the Judge.
- Q. Is it your testimony, then, sir, that all of those comments that are contained in the Burbank police report and dated August 19th, August 24th, and August 26th, et cetera, were in fact not prepared until sometime in the middle of September after—until the affidavit for the search warrant was [52] prepared?
 - A. I don't understand your question.
- Q. I am asking it, is it true, then, sir, that these documents that are contained in the Burbank police report that I showed you earlier that were not prepared, these Burbank police reports were not prepared until after the affidavit for the search warrant was?
 - A. Well after.
 - Q. Can you tell me approximately when?

- A. I believe it was two to three days after the arrest which occurred on the 21st of September.
- Q. And you have no other notes showing your interview with the informant that you could show us in court today?
 - A. No.
- Q. Now do you have any notes of your conversation with the informant back at the police station or in your control?
 - A. No, I don't.
- Q. And they have all been destroyed pursuant to a Burbank Police Department policy?
 - A. I don't know if it is policy.
- Q. Well, does your department tell you what to do with your own notes that you make regarding cases?
 - A. No.
- [53] Q. So it is up to you as to whether you decide to retain these notes or destroy these notes?
 - A. Yes.
- Q. Is it your personal policy to destroy all of your original notes in matters like these?
 - A. After I read-

Excuse me. What I have transcribed and been sure it is accurate, if accurate I will normally throw the handwritten copies away.

Q. Now, in your Burbank police report that I showed you, you indicated that the informant furnished the investigating officer—strike that.

You indicated that the informant told you about the two people living at the 620 Price Drive address, and that one is named Armando and the other is Patsy, and that information regarding their activities; and then you state the following: The informant furnished the investigating officer with additional information which was subsequently utilized by investigating officer when preparing a search warrant for 620 Price Drive and other locations and vehicles.

Now, nothing else indicates in there-Strike that.

Is that—What other information was subsequently utilized by you in preparing the search warrant for 620 Price Drive?

- [54] A. The information that is missing from the police report with regard to my conversation with the informant is present in the statement of probable cause and the affidavit of search warrants.
- Q. And I take it then that you made a decision that the information that this informant had seen Patsy sell drugs and seen a great deal of cash in the apartment—in that residence—you felt was not germane to be included in the police report.

Is that correct?

A. No.

Q. That is not correct?

A. It is not correct.

Q. You did make a decision to leave that out?

A. Yes.

Q. All right. On what was that decision based?

A. Basically the entire search warrant was going to be attached on his part of the search warrant. I'd already written that one time.

It was extremely lengthy, and I did not really want to rewrite the whole thing again verbatim into the police report, like I say, when I had already written it once.

Q. All of your dates in here—August 18th, 19th, 24, 25, 26, 27 of August, et cetera—those all indicate certain [55] notes that you made of events that happened on those dates.

Is that correct?

A. Yes.

Q. Did you destroy all of those notes?

A. Yes, when I wrote the affidavit for the search warrant.

Q. So that everything, all contents about the events as they actually occurred was destroyed.

Is that correct?

A. All of my rough, handwritten notes, yes.

MR. COSSACK: I have nothing further.

MR. LICHTMAN: Your Honor, I have a few questions that I neglected to ask.

Could I do that just briefly? THE COURT: All right.

CROSS-EXAMINATION

BY MR. LICHTMAN:

Q. Officer, did you participate in the search of the Via Magdalena residence?

A. I was present.

Q. This search occurred approximately 7:00 to 8 o'clock p.m. that evening, do you recall?

MR. DAVIDSON: Objection as to relevance of this [56]

line of questioning, your Honor, for two reasons.

I don't remember any specific allegations by defense as to what this witness did there in their moving papers; and, secondly, I would suggest that Mr. Del Castillo has shown no standing in the Via Magdalena address.

MR. LICHTMAN: Your Honor, we are addressing the question of the execution of the warrant at Via Magdalena which we did include on our brief, page 32, or thereabouts.

THE COURT: I am going to overrule that.

BY MR.LICHTMAN:

Q. Officer, did you arrive at the Via Magdalena residence at approximately 7:00 to 8:00 p.m. that evening?

A. I'd have to look at my report for the exact time, but

I did arrive there.

- Q. After you had already been at the Price Drive residence?
 - A. Yes, and one other.
 - Q. And the Sunset Canyon residence.

Is that right?

A. Yes.

Q. And the purpose of going to the Via Magdalena residence was for the purpose of executing the search warrant on that residence.

Is that right? [57] A. Yes.

Q. And you had obtained a key for that residence from the Price Drive residence or from occupants in the Price Drive residence?

A. Yes.

Q. And when you arrived at the Via Magdalena residence, did you use the key to open up the front door?

A. I did.

- Q. Did one of the officers with you use the key to open up the front door?
 - A. Yes.
- Q. How many officers were there at the front of the Via Magdalena residence?
 - A. Five or six.
 - Q. Were they armed?
 - A. Yes.
- Q. Were these the same officers who had been at the Price Drive residence earlier that evening?
 - A. Some of them had.
- Q. Now, after you had entered the front door of the Via Magdalena residence, did you go upstairs?
 - A. Yes.
- Q. And when you reached the upstairs landing, were the doors—did you attempt to enter any of the rooms upstairs?
- [58] A. Yes.
 - Q. And isn't it true that those doors were locked?
 - A. Yes.
 - Q. And did you break into those doors?
 - A. Yes.
- Q. Before you broke into those rooms or broke down those doors, did you say anything?
 - A. Yes.
 - Q. What did you say?
- A. Knocked at each one of the doors and yelled, "Police. We have a search warrant. Open the door."
- Q. Now, the testimony you just gave, did you present that testimony or give that statement in any report that you had gotten previously?
 - A. Not in my reports, no.
- Q. This is the first time you have ever said; isn't that true?
 - A. Yes.
- Q. And you didn't contain that in your declaration that you submitted or the U.S. Attorney submitted in support of its opposition now, did you?
- A. I wasn't asked to present anything with regard to that specific address.

Q. Very well.

[59] Before you testified today, did you have a conversation with the Assistant United States Attorney regarding this hearing?

A. Yes.

Q. And did Mr. Davidson explain to you what the hearing was about?

A. Yes.

Q. And did you discuss with him an issue that was raised in the moving papers of the defendants regarding the breaking of the door of the bedrooms in the Via Magdalena residence?

A. No.

Q. Did you have any discussion regarding the Via Magdalena residence?

A. No.

Q. Did you do your own research regarding California law about breaking the door of a room that was inside a residence before coming to the hearing?

MR. DAVIDSON: Excuse me, your Honor. Could I object?

The witness testified that he said that and I would suggest that it would be improper impeachment that is being made. And I don't know how his research is relevant to this issue.

[10] THE COURT: The objection is overruled.

THE WITNESS: I believe that particular principle in California state law, anyway, with respect to knocking at the interior locks—acknowledge and notice is well-known to me—has been for several years.

BY MR. LICHTMAN:

Q. And you knew it at the time that you entered—Well, strike that.

You knew it at the time obviously that you couldn't put it in effect today.

(No response.)

You have been a police officer several years?

A. For nine years.

Q. By the way, did you knock on the doors of both bedrooms?

- A. Yes.
- Q. Did you make the same statement before entering any of the bedrooms?
 - A. Yes.
 - Q. Did you find items in those bedrooms?
 - A. Yes.
 - Q. Did those item appear to be contraband?
 - A. Yes.
- Q. What did you use to break down those bedroom doors?
- [61] A. Foot.
 - Q. Did you personally break down the doors?
 - A. No.
 - Q. Were you there present while another officer did?
 - A. Yes.
 - Q. Which officer made the statement?
 - A. Which statement?
- Q. The statement in front of the bedroom door that you intended to enter?
 - A. I did.
 - Q. Did you do it for both bedrooms?
 - A. Yes.
- Q. Did you make the same statement that had been previously made in front of the Price Drive residence?
 - A. Yes.

MR. LICHTMAN: Thank you. THE COURT: Any other cross?

MR. ABZUG: No, your Honor.

THE COURT: Mr. Davidson.

REDIRECT EXAMINATION

BY MR. DAVIDSON:

Q. When you prepare a report on a case, do you normally—and that case involves a search warrant—how do you normally [62] incorporate that search warrant into your report?

A. Normally the report is written that on a given day a search warrant was obtained for a particular location.

And the next thing in the report would be on such and such a time and on whatever day the search warrant was executed by the officers involved.

It would be a statement to the effect that as a result of the execution of the search warrant, the following property was found inside the residence.

That would be basically the extent of the report normally with our department, and any search warrant would be attached to the crime report for additional probable cause.

- Q. Now, did this crime report then contain more information about the investigation prior to the execution of a search warrant than most of your reports?
 - A. Way more.
- Q. And when was it that you decided to put more—or you decided to put more information in the crime report?
- A. After conferring with the Assistant U.S. Attorney the day after the arrest.
 - Q. What did he tell you?
- A. He requested that I write the report in a manner in which it was written explaining everything basically, but not going into as much detail in the report.
- [63] Q. Now, you testified that you would make written notes and the search warrant would be typed.

Will you tell me, were these notes or a rough draft of the search warrant?

- A. Basically it was a rough draft of the search warrant.
- Q. Would there be one set of handwritten notes, or was there a set of handwritten notes and then a rough draft of the search warrant, and then a typed search warrant?
- A. There would be basically a rough draft of the search warrant, and then a typed search warrant.
- Q. So these—whatever you say you threw away—was that what was given to the typist to type up for the search warrant?
 - A. Yes.
- Q. Now, at the Magdalena Street address were there any people in either of the bedrooms?
 - A. No.
 - Q. Was there anyone at the Magdalena address at all?
 - A. No, sir, there was not.

Q. And the declaration you have submitted to this court, or you executed last week and it's been submitted to the Court, was regarding the Price Drive address?

A. Yes.

[64] MR. DAVIDSON: I have no further questions, your Honor.

MR. COSSACK: Yes, your Honor.

RECROSS-EXAMINATION

BY MR. COSSACK:

Q. Officer, just to get this straight in my head, what did was you kept a series of handwritten notes which you then turned over to a Deputy who then put it in the form of an affidavit for a search warrant.

Is that correct?

A. No.

Q. What did you do?

A. I kept a series of handwritten notes chronologically as to what occurred in this investigation, with additions every day as to what had happened the prior day, if we had done something on this particular investigation.

That was done every morning when I came to work.

Then, toward the end, I submitted the whole thing to a typist who returned it to me, both the typed copy and my handwritten copy.

Q. And then you threw away the handwritten copy?

A. After proofreading.

Q. Now, sometime thereafter you came here and had a [65] discussion with a U.S. Attorney to talk about the report, did you not?

A. Yes.

Q. This U.S. Attorney told you to create some Burbank police reports using the affidavit for the search warrant?

A. No.

Q. What did he tell you to do?

A. He requested-

I explained to him our normal procedure and explained to him how we wrote the search warrant, the investigation for the search warrant. He requested that I be a little bit specific and include more detail than I normally would in one of our crime reports; and, in addition to that, attach the affidavit and the search warrant.

- Q. Well, the only thing I understand is that when you came to see the U.S. Attorney, you had no crime report. The only thing you had was the affidavit for the search warrant.
 - A. That's correct.
- Q. So when he asked you to create some crime reports—I don't mean some fictionally created crime reports—he asked you to create a document entitled "Crime Report"?
 - A. No.
- [66] Q. Didn't you just testify that he asked you to put something together with less detail than in the affidavit?

A. I explained to him our normal procedure.

He requested that I be a little more specific and go into more detail than I normally would with respect to the crime reports and how they were written normally.

- Q. Has it been my implication, or your implication that you intended to write something called "Crime Report" anyway, and he just gave you more instructions on how he wanted it?
 - A. Yes.
- Q. So it is the policy of the Burbank Police Department to do what you have done, and thereafter then to write up a document entitled "Crime Report"?
 - A. Yes.
 - Q. After the affidavit for the search warrant?
- A. Yes—or you may not have a crime if you do it before.
- Q. You didn't know when you first started this investigation that you were going to have a crime either, did you?
 - A. No, sir, I did not.
- Q. Now, who was this U.S. Attorney that you speke to? Was it Bill Sayer?
- [67] A. I believe so.
 - Q. Where did you speak with him?
 - A. In his office.

MR. COSSACK: Very well. I have no further questions.

THE COURT: Any further cross?

MR., LICHTMAN: No, your Honor.

MR. KAPLAN: No, your Honor.

THE COURT: Any further redirect?

MR. DAVIDSON: No, thank you. Nothing, your Honor. THE COURT: Very well. Does the defense want to call anybody else?

(Witness excused.)

MR. LICHTMAN: Yes, your Honor. I would like to call Juan Jerro.

And I hope he is standing right outside the door.

THE COURT: All right. Go get him.

(Brief pause.)

[68] JUAN JERRO, called as a witness on behalf of defendant Del Castillo, having been first duly sworn, was examined and testified as follows:

(Brief pause.)

THE CLERK: Please be seated.

(Witness complies.)

Please state your full name, and spell your last name for the record.

THE WITNESS: My name is Juan Jerro, J-e-r-r-o.

DIRECT EXAMINATION

BY MR. LICHTMAN:

Q. Where are you employed?

A. At the Sportsman Lodge Restaurant.

Q. Directing your attention to September 21, 1981, were you present at a residence at 620 Price Drive?

A. Yes, I was.

Q. Do you recall on that evening or approximately 5:30 that evening that police officers entered that residence?

A. Yes.

Q. Let's go over the occurrence of events that occurred at that time.

Who was present in the residence at approximately about 5:30?

[69] A. It was Armando Sanchez, Pat—Patricia—Del Castillo and myself.

- Q. That is Patsy Stewart?
- A. Yes.
- Q. Is it true—what was your purpose in being there? Why were you in the residence?
- A. I was watching the Monday night football game.
- Q. Now, while you were there and when you were watching Monday night football, were you in the living room of the residence?
 - A. Yes, I was.
- Q. Did you hear anything unusual that occurred when you were either in the back yard or the back area?
 - A. Unusual? What sort of-
- Q. Any sort of noise, or something that perked up your attention?
 - A. No.
- Q. When you were in the living room, was Patsy and Armando in the living room?
 - A. No.
 - Q. Where were they?
- A. Either in the kitchen or somewhere out of the house—back yard. I couldn't recall.
- Q. Did you hear any yelling or any noise coming from [70] the back yard?
 - A. Yes.
- Q. And when you heard it, by the way, what did you hear as you recall?
- A. I heard Pat—I heard Patricia saying "Money." I heard her call for her money.
 - Q. Did she seem agitated or upset?
 - A. Yes.
- Q. Mr. Del Castillo and yourself at that time were in the living room; is that right?
 - A. Yes, sir.
- Q. Did you both go to the sliding door to see out to the back yard?
- A. I did not walk. We walked halfway from the living room to the door that leads to the back yard.
 - Q. Did you look out that door?
 - A. Yes, I did.
 - Q. Did Mr. Castillo look out of the door with you?

A. Yes.

Q. What did you do?

A. We saw several police officers. I couldn't see how many.

Q. Was Mr. Sanchez and Mrs. Stewart out in the back yard when you saw the police officers?

[71] A. No, sir.

Q. Where were they?

A. I really don't know. I don't know where they were. They were outside the house.

Q. When you looked out, did you see any guns?

A. As I recall, I saw two or three maybe.

Q. Were these either shotguns or rifles?

A. I saw a rifle and I saw a handgun, also.

Q. Now, after you and Mr. Del Castillo saw what occurred in the back yard, what did you and Mr. Del Castillo do?

A. I sat down for one. I sat down on the couch.

Q. This was in the living room?

A. Yes.

Q. Did Mr. Del Castillo come back to the living room at that time with you and did he speak with you in Spanish?

A. Yes, we did.

Q. Did he speak in Spanish?

A. Yes, he did.

Q. What was your tone of voice? Was it loud—was it soft—was it normal?

A. Yes.

Q. What was Mr. Del Castillo's tone of voice?

A. The same.

[72] Q. Did you then hear some noise coming from the front door?

A. Yes.

Q. And what did you hear?

A. Police officers identifying themselves.

Q. And after that occurred, did Mr. Del Castillo do anything?

A. Mr. Del Castillo went to open the door.

Q. Did he say anything?

- A. He said that he was going to open the door for the police officers.
 - Q. How many times did he say that?
 - A. He said that several times.
 - Q. Did he say it in a low tone or a loud tone?
- A. I heard it very clear when they were outside, but he said it quite loud, yes.
- Q. And approximately how far from the front door was he at the time he said that?
- A. I would say that he was ten feet away-15 feet away. I couldn't see.
 - Q. And what did he say?
 - A. He said, "Officers, I'm going to open the door."
- Q. After he said that, did the officers then break down the door?
- [73] A. I heard a noise, a loud noise on the door.
- Q. At the time you heard it, were you in the living room? Is that right?
 - A. Yes.
- Q. And did you then hear the officers enter the residence?
 - A. Yes. I heard footsteps and talking to each other.
- Q. From the time that you first heard the officers knock on the front door to the time that they entered the residence, how many seconds was that?
 - A. Five, ten seconds approximately.
 - MR. LICHTMAN: Nothing further, your Honor.
- THE COURT: Any other defendants have any examination?
 - MR. KAPLAN: No, your Honor.
 - MR. ABZUG: No, your Honor.
 - THE COURT: Mr. Davidson?

CROSS-EXAMINATION

BY MR. DAVIDSON:

- Q. What time did this occur?
- A. I would say 5:30.
- Q. This was a Monday?
- A. Monday night, yes, sir.
- Q. What were you doing there?

[74] A. I was invited to have dinner. We were cooking out in the back yard—sort of a barbecue, and we were going to watch the football game that night.

Q. Now, did you see Patsy and Armando in the back

yard?

A. No, I did not.

Q. You never saw them in the back yard?

A. No.

Q. When had you seen them before that?

A. In the living room. They were just awhile before all of this happened—in the house like back and forth, and so on.

Q. And did you hear anyone yell to them in the back yard?

A. Yes.

Q. Did you hear what anybody—Did you hear what was yelled to them?

A. No. I just heard a noise like somebody was screaming from the back yard.

Q. You heard the officers knock on the front door?

A. No, not as I recall.

Q. You didn't hear them knock on the front door?

A. They did. I really don't remember if they did knock or not.

MR. LICHTMAN: Your Honor, can we be more specific

[75] as to what the question refers to?

Does it refer to prior to the time they knocked the door down? Is that the knock we are referring to, or some other knock?

THE COURT: All right. Be more specific.

BY MR. DAVIDSON:

Q. Did you ever hear-

Taken from the time that-

In between the time that Patsy and Armando left and the time that you heard anybody knock on the front door.

A. I heard them identifying themselves as police offi-

cers, "Open up."

And that is when Mr. Del Castillo got up and went to open the door, and that is when he said, "I'm going to open the door for the officers outside.

- Q. And he said that twice?
- A. Yes.
- Q. And is it both times and then the door was broken open?
 - A. Yes.
 - Q. Did the officers say they had a search warrant?
 - A. Not to me, they didn't. They didn't tell me.
 - Q. I am sorry.

When someone on the other side of the door said that [76] they were police officers, "Open up"—

- A. Right.
- Q. -did they say they had a search warrant?
- A. I did not hear that.
- Q. You did not hear that?
- A. No, I did not.

MR. DAVIDSON: I have no further questions, your Honor.

THE COURT: Any further direct?

MR. LICHTMAN: No, your Honor.

THE COURT: Any further cross?

MR. DAVIDSON. No, your Honor.

THE COURT: You may step down.

Anybody else?

MR. LICHTMAN: No, your Honor.

MR. KAPLAN: No, your Honor.

MR. ABZUG: No, your Honor.

MR. COSSACK: No, your Honor.

THE COURT: Mr. Davidson, do you want to call anybody?

MR. DAVIDSON: No, your Honor.

THE COURT: That closes the evidentiary portion of these motions.

Do you want to argue?

[77] MR. KAPLAN: Just a few comments.

THE COURT: Don't repeat what is in your papers, or any of the papers.

MR. KAPLAN: I just want to call the Court's attention to a couple of items.

The Government refers to, on page 12 of its response, line 15, that the detention would be reasonable of somebody in a residence, and cites Michigan v. Summers.

And I just want to call the Court's attention to the fact that I don't think that would be applicable in my situation, your Honor, because, as the Court just heard, Leon was not arrested, was detained outside; and the citation I don't think would be proper.

The other citation the Government referred to is on page 8, line 13, United States v. Wong, where he made reference to this woman who was giving information for her own safety.

In reading the case of U.S. v. Wong, I want to point out, your Honor, that the factual situation is entirely different. That situation dealt with two specific crimes—one an assault with a deadly weapon, and the second offense as a murder.

The informant has testified, or rather the affidavit resulted in her observing machine guns and grenades in the accused's apartment, and went into a lot of other factual situations which was substantiated and corroborated.

[78] I don't think that also would be applicable because that wasn't the basic holding of the case.

And I just want to point those two things out to the Court.

To summarize in just about 90 seconds, your Honor, there is no place in the warrant, in this particular warrant that specifically articulates any facts stating that there was narcotics to be found at the residence of Leon.

And I would submit to the Court that the warrant is completely faulty with respect to the search of the Leon residence on Sunset Canyon.

The facts deal with prior arrests, the client prosecution; a statement that he was involved.

We don't know the basis of that statement. It was made 17 months prior.

An informant who had allegedly told a police officer who told another one that he had some quaaludes or pills at his residence at a time that we don't know when; to a Laguna Beach address, where we don't know what the facts are.

And there was not one fact listed by anyone, any informant—reliable or unreliable—that at the Sunset Canyon address there would be narcotics.

And I stress, I urge that point most strenuously, your Honors.

THE COURT: All right. Who is next?
[79] MR. ABZUG: Thank you, your Honor.

THE COURT: Yes, Mr. Abzug.

MR. ABZUG: Your Honor, I'd like to direct my comments to the sufficiency of the warrant that was executed for the residence at 620 Price Drive.

I know what was read in my moving papers, but I'd like to reply to the Government's response.

The Government concedes, as it must, the only direct evidence, and the affidavit contains, as it must, the only direct evidence that the affidavit contains of narcotics activity at the police price, rather than being furnished by the informant whose information was stale and not timely, and whose reliability was not sufficiently alleged under the Aguilar test—what they do attempt to say to save the warrant is they try to point to facts they say sufficiently corroborate the informant's reliability.

I submit to the Court the fact that these facts the Government points to in the moving papers are insufficient in that the facts could be obtained or alleged by an informant who was not involved or not in a position to know of illegal narcotics activity of the 620 Price Drive residence, or those facts had nothing to do with narcotics activity at the 620 Price Drive residence.

One of the informants said that my client, Armando Sanchez, and Patsy Stewart lived at that residence, and that [80] fact was corroborated by independent police investigation.

Well, the fact that they may have lived at that residence is a fact that could have been secured quite easily by the informant.

They pointed to the fact that Patsy Stewart owned a Dodge vehicle, and that was corroborated; and Armando Sanchez owned a Corvette, and again that was corroborated by independent police investigation.

They don't indicate necessarily that the informant is in a position to know of illegal narcotics activity in the Price Drive residence.

And the fourth fact was corroborated by independent police investigation, that the informant's allegations that the narcotics were maintained at a stash pad on the Via Magdalena was corroborated by field investigation.

Again, that fact has nothing to do with the Price Drive

residence.

The only other argument that the Government raises with respect to trying to save the warrant is that other probable cause supplied by the affiant saves the warrant in terms of showing that on September 21st, 1981, there would be evidence of narcotics in the residence.

And here, again, your Honor, I think it is grossly im-

proper to approve probable cause.

I would indicate that my client was arrested for [81] possession of marijuana. They do not indicate, however, that that case was dismissed in Florida in the federal court on July 15th, 1971; and the mere fact that an arrest for marijuana two years before the search, I would submit is utterly of no significance in applying probable cause.

It indicates, secondly, that a search of my client's bags at the Miami Airport on September 19th, but again that search didn't disclose anything of significance with respect to what was to be found at the Price Drive address, and the search disclosed neither the presence of qualudes nor cocaine, which was what they anticipated and expected to

find at the Price Drive address.

And, finally, they allude to the fact that the affiant supplied information in his affidavit that on four occasions over a month he saw the people exiting the Price Drive res-

idence with paper bags or with objects.

I submit to the Court that this has utterly no significance. First of all, there is no indication that the affiant knew what was in the paper bags; the objects that are coming out of the apartment are all different—not of a regular size or shape; that the affiant said was customarily used by people in the cocaine trade; and, indeed, the affiant doesn't attach too much significance to the affidavit to the comings and goings of these people themselves.

So, on balance, your Honor, what I see here is a [82] series of misinformation that is put in the affidavit by the affiant in an effort to try to show probable cause that there would be narcotics on September 21st; but, under the prevailing legal standards, I think they have utterly failed to show this.

And I think that the warrant should be suppressed.

So the only other miscellaneous thing I think is the breadth of the warrant itself, and again I won't repeat what is in the papers, but just emphasize that the warrant as drafted permitted the officers to get any articles of personal property tending to establish, which in their judgment tended to establish document sales of cocaine or methaquaaludes—any articles of personal property, which in the officers' judgment tended to establish the conspiracy to sell these articles of narcotics, and tended to establish the identity, in the officer's judgment, to establish the identity of the people in control of the premises searched.

The whole purpose for the warrant, in submitting the warrant to judicial examination is to try to limit what the

officers can see to a limited extent.

Under the warrant, as presently drafted, the officer basically had carte blanche to seize anything he wanted to.

THE COURT: Mr. Abzug, aren't you repeating what [83] is in your papers?

MR. ABZUG: Yes, your Honor.

And I will submit it on the papers.

THE COURT: Anybody else?

MR. COSSACK: Your Honor, I will be brief.

I think this warrant has to stand or fall on what this unknown, untested, unreliable informant told us.

There has been no corroboration of the informant. There was a long investigation in which they find the following items.

That these people know each other; that at some time they leave the house and go in a car to other places, and sometimes carry a little bag with them and sometimes don't. At no time was there any allegation, it seems to me, that if the Court also is going to find them in possession of narcotics, they don't do a search of them at the airport.

There is no corroboration element.

We know allegedly there was an informant who told them something six months earlier.

If they are going to find them in possession of narcotics, they don't after a search of the airport.

There is no corroboration here.

We know that allegedly there was an informant who told them something six months earlier. I have yet to [84] find a court that will sustain information that was given six months earlier. I have yet to find a court that says information that is six months old is not sustained.

MR. LICHTMAN: Just a few comments, your Honor, with out repeating the arguments of counsel and the arguments submitted in our papers.

Regarding the execution of the warrant—and we have had testimony about that today—as the Court is aware under the California knock-notice rule, the police are required to give sufficient warning before breaking and entering into a residence. That must indicate to the occupants sufficient time in order to respond.

I believe the evidence has shown that there was not a sufficient time given the occupants.

First of all, under People v. Berkeley cited in our papers, when an occupant offers to open the door and is not given the opportunity to do so, that is grounds to quash the warrant itself.

I believe the testimony so indicates.

Furthermore, the occupants in the house were not given a reasonable time to react to the request or to the statements made by the officers at the front door.

Officer Rombach stated he felt or feared that there was a destruction of contraband and based totally on the fact that he heard talking in the residence and he said [85] there was some running.

There was no other indication that there was contraband being destroyed or that the occupants were arming themselves. Under the relevant California cases, more is required to sustain a warrant.

Many police will justify entering a house on the belief that the occupants are destroying contraband, but the cases say that you simply can't do that unless you have reason to believe, in fact, that the contraband is being destroyed, or that the occupants are arming themselves.

In this case, there simply wasn't that type of information available to the officers.

Mr. Jerro testified that it was only about five or seven seconds from the time the officer first stated his presence in front—at the front door—and the time they barged in the house.

As we have cited in our motion, that is not a sufficient amount of time to give the occupants an opportunity.

Also, there are officers at the rear of the residence, and these officers, as Rombach knew, had people under submission.

There was no indication that anything was happening to barge in but, unfortunately, they did.

I would submit the exclusion of the warrant being [86] in violation of the California knock-notice rule and the Fourth Amendment rule, that the search and the items seized during the search of the 620 Price Drive residence should be suppressed.

I would like to address very briefly the standing issue. I would submit to the Court, as was argued in the papers, that both California law and federal law should apply to the question of standing. Under California law I don't think there would be any dispute that, under the vicarious standing doctrine every defendant who would proceed would have standing.

I would submit to the Court that if the Court does not believe California law applies as to standing, that under federal law we would have a contrary result if we were to adopt the Government's position that, under federal law, that standing would not apply to Mr. Del Castillo.

I say that because of this, your Honor. The Government would have to argue that state law did not apply to the question of standing; and, number two, that on the question of federal law, Mr. Del Castillo would not have an expectation of privacy, yet, at a trial of this proceeding, the Government would have to argue that Mr. Del Castillo would not have an expectation of privacy as to any of the residences.

Therefore, the Government would have to argue, [87] at the trial of this proceeding, that Mr. Del Castillo had dominion and control over these very items that were found and seized at this very residence. And it seems that Mr. Del Castillo, under those arguments in the case, that those arguments are not consistent.

Therefore, I would urge the Court to find standing for Mr. Del Castillo under California and federal law, and find that the warrant was legally and sufficient based on the arguments submitted by cocounsel and contained in the papers.

Thank you.

THE COURT: All right. Mr. Davidson.

MR. DAVIDSON: Let me start with the argument of Mr. Lichtman.

With respect to standing, your Honor, Mr. Lichtman's argument may sound nice, but I believe authorizes the same ones rejected by the Supreme Court on recent decisions of standing.

And, with respect to his argument as to Cella, that has been offered and I think, in his generally correct citation of the law and his standing argument, he says that his standing rule in the Ninth Circuit is well used federal standing, and he cites no case, and I am aware of no case that overrules Cella.

I would suggest that he is the best example for [88] standing because I suggest Mr. Del Castillo has shown no standing anywhere here.

He was merely a guest at the Price residence. I think he was similar to the passenger in Rakas, and certainly he has shown no standing, and certainly no one has shown any standing in the Via Magdalena address.

I believe Mrs. Stewart's affidavit is a conclusory one—I had a reasonable expectation for privacy—is simply not sufficient.

As to the knock-and-notice, I would suggest that there might be some sort of a credible contest, but I think it is more reasonable that the officers were outside and heard who was yelling, and they know what they were yelling. But Mr. Jerro, who was inside, maybe didn't hear everything.

Additionally, he says that he two times told the officers that he was going to open the door, and the door was broken down. And just finally, I believe, that Mr. Lichtman has misconstrued the declaration of Officer Rombach.

He said from hearing the yelling from the back, he got the impression that the people in the back were not under control; that the officer in the back had to yell twice, and he said that they had to use profanity, and he felt the people were not subdued and it was a dangerous situation.

And, finally, your Honor, I read it last week and [89] I might have forgotten, but my memory of Michagan v. Summers was that someone was leaving the place to be searched. But, in any event, we have more than Michigan v. Summers.

In this case, we have specific evidence relating to Mr. Leon. We have glassy eyes; someone who can't hold himself erect correctly, and someone who has a white powder around his nose; and the trained narcotics officer comes to the conclusion he has just taken cocaine—just committed a crime.

I would respectfully request it is correct. I hope that just about everything else is alluded to in my papers, and, if so, I'll sit down.

THE COURT: I do not have any questions.

All right. There are a number of motions here to suppress. I have reviewed the papers and listened to the testimony, and I am ready to rule right now. So get your pencils out.

I am going to dispose of the collateral issues first, the ones not too difficult.

First of all, I seriously doubt whether the California knock-notice statute applies to this case; even assuming it does, I find from the record that the statute was not violated.

With reference to the overbreadth argument, in a case like this with respect to conspiracy, I don't think the warrant on conspiracy is overbroad, so I [90] deny that argument.

With respect to the warrant itself, I read it several times, considered the affidavits and the other factors involved. I just cannot find this warrant sufficient for a showing of probable cause.

I think it is somewhere between Spinelli and Valenzuela, and probably leans toward Spinelli.

There is no question of the reliability and credibility of the informant as not being established.

Some details given tended to corroborate, maybe, the reliability of his information about the previous transaction, but if it is not a stale transaction, it comes awfully close to it; and all the other material I think is as consistent with innocence as it is with guilt.

The material referring to the other information with respect to the defendant Leon, I think is about in the same category.

If he was the one the information came from, the Police Department; but again that is information from some informant about which we know nothing.

So I just do not think this affidavit can withstand the test. I find, then, that there is no probable cause in this case for the issuance of the search warrant, which gets me to the next question of standing.

I think it is pretty clear in this case, in this [91] Circuit, that standing is determined by federal law. I do not believe U.S. v. Cella has been overruled; in fact, I think it has been confirmed in U.S. v. Portilla, 633 Fed. 2d. 1313, 1980, which confirms that the standing rule still is to be determined by federal standards. First, with respect to I think the search of 620 Price Drive, those people who I think have standing to contest validity of that search because they have a legitimate expectation of privacy at 620 Price Drive, would be the defendants Sanchez and Stewart who have established, I think, without contradiction, that that is their primary residence.

With respect to the search at 716 South Sunset Canyon, defendant Leon has established that that is his residence; that he is the owner of that place. So I suppress the fruits of that search, including the search of his person.

There may have been probable cause to arrest him for some state law possession of cocaine or something like that, but that was directly the result of his being detained in the course of the execution of the search warrant. So he was detained because the search warrant was being executed, and all of these other matters flowed from that detention.

So he is entitled to suppress the search of the Sunset Canyon residence.

With respect to the condominium at Via Magdalena, there is no evidence of any possessory interest. The only [92] thing that comes close is the declaration of Patsy Ann Stewart that declares that she paid the utility bills at 7902 Via Magdalena, and had paid them for the month of September.

I don't think that is sufficient to establish a legitimate expectation of privacy.

For several years I paid the dormitory fees for my children, and I do not think I have any expectation of privacy in their dormitory rooms. So, on that standing alone, that does not give rise to an expectation of privacy.

So I find no one has standing to contest the search of 7902 Via Mgdalena. So nothing uncovered there is entitled to be suppressed by these defendants.

With respect to the safe deposit box, I think that flows directly when the search of the Price Drive home, it is the direct fruit of that home—at least the key was—and, for that reason, I do not think there is any attenuation or anything like that; so, for that reason, the results of that search should be suppressed.

So, whatever was discovered in the safe deposit box is ordered suppressed.

With respect to the automobiles, I do not know what the state of the record is. It is almost hard to tell what was searched, I would say first.

Is this correct that the Government does not intend to introduce any evidence with respect to the search [93] of

Sanchez's car? Was that the representation made in the papers?

MR. DAVIDSON: If I may have a moment, your Honor.

THE COURT: Yes.

(Mr. Davidson conferring with his case agent.)

MR. DAVIDSON: That was a correct representation, your Honor.

THE COURT: You intend to introduce evidence as a result of searches of other cars, do you not?

MR. DAVIDSON: Yes, your Honor, as to-

THE COURT: Tell me what that is.

MR. DAVIDSON: As to Mr. Del Castillo's car, there was some residue of marijuana, I believe in the trunk.

THE COURT: All right. Tell me what else.

MR. DAVIDSON: In Miss Stewart's car, there were two garage door opener transmitter devices, and one of them was the garage door opener for the Via Magdalena address.

And as to Mr. Leon's car, if I could have just one moment.

(Mr. Davidson and the agent confer further.)

There would be only two cars, your Honor—Mr. Del Castillo's car and Miss Stewart's car.

THE COURT: With respect to the fruits of those searches, I am going to suppress the results of the search [94] because I think it's been directly—no attenuation, but again only with respect to the persons who asserted an interest in the automobiles; namely, Don Castillo in his own car, and Stewart in her car.

Did I leave anything out?

MR. ABZUG: Your Honor, the only thing I want to clear up for the record, as I indicated in my motion, I am also moving to suppress as a result of the arrest of Mr. Sanchez the statement he gave subsequently to the DEA as a fruit of the unlawful search.

THE COURT: Yes. That statement to me, I don't have any exception to that, so that is suppressed.

MR. ABZUG: Very well, your Honor. Thank you.

MR. COSSACK: I would ask suppression of the statement that Miss Stewart gave also, your Honor.

THE COURT: Well, Mr. Davidson, given the ruling on the warrant, do you know of any exception to suppression of the statement? I cannot think of any.

MR. DAVIDSON: Well, let me put it this way, you know.

I know of no difference in the facts between Mr. Sanchez and Miss Stewart.

THE COURT: Then I will also suppress the statement given by Miss Stewart in execution of the warrant.

MR. LICHTMAN: Your Honor, I think there was a [95] search made of some trash cans.

THE COURT: I could not tell whether anything of value to the Government was discovered there or not.

MR. DAVIDSON: I told defense counsel in writing that I wouldn't use that.

THE COURT: All right. Now, in view of those rulings, Mr. Davidson, first, are you ready to go to trial?

MR. DAVIDSON: Well, yes and no.

I guess the answer is really no. I would like to be able to look this all over and I know that we would want to look into the possibility of appealing or not.

THE COURT: I understand that.

Let me put it this way. I will tell everybody I have a case I am still trying from last week. I expect to finish it sometime tomorrow, even maybe by noon.

Can you have some decision made by, say—(Court and clerk conferring.)

What about coming back about 3 o'clock tomorrow.

MR. DAVIDSON: I'd be more than happy to, your Honor. Sure, I will be far better educated. I am not sure I will have—

THE COURT: You are not sure you will have a definitive answer?

MR. DAVIDSON: No, your Honor. The decision to appeal is made in Washington.

[96] THE COURT: Come in and say that you need more time so that you can all be back—

Just a minute.

(Court and clerk conferring further.)

The clerk says that we have a jury request here, and we have to know about that. We will postpone that until Wednesday, at the earliest.

Are any of you going to ask for a jury trial? Do you know that?

MR. LICHTMAN: We have all been talking about the possibility of either a court trial, or for a stipulation of facts, or a stipulation of some facts and a court trial on the remaining undisputed facts.

We have not made a resolution of that.

MR. COSSACK: Your Honor, I might say that the stipulation, in light of the Court's ruling, I don't think a stipulated fact would be in my client's interests; however, a court trial would be.

THE COURT: Does anybody here think he wants a jury trial, assuming that the Government goes ahead with your clients?

MR. ABZUG: I'd like to confer with my client.

THE COURT: Can you let the clerk know? And I understand that is without knowing what the Government is going [97] to do, but to the best of your ability if you could

project.

MR. DAVIDSON: Your Honor, I can say one thing. I don't know exactly what I will be saying at 3 o'clock tomorrow, but my educated guess is that the Government will be asking for a significant amount of time in the area of two, three weeks to consider the possibility of an appeal; and, at least I believe it is very likely what we'll be deciding tomorrow, so I don't think the Government is going to want to go to trial this week. It is the sort of thing we will have to wait out and see.

THE COURT: It is a good case to appeal.

MR. KAPLAN: I was going to make a suggestion that we put it over to the first week of February and resolve all of these issues, instead of coming back on a daily basis.

THE COURT: It won't be a daily basis. But come back tomorrow so that you know where we stand in advance, and if your decision is that you are going to go back to Washington to seek authority to appeal, I think we ought to put it over for some time.

MR. LICHTMAN: When we come back, should we have

our clients with us? Is that necessary?

THE COURT: I think you should, because it is possible that you might be going to trial. I do not think it is likely, but you should have your clients with you.

MR. KAPLAN: This will be at 3:00 p.m. tomorrow [98]

afternoon?

THE COURT: Yes. Thank you, very much.

The next matter.

(Proceedings in the foregoing matter were concluded at 4:45 p.m.)

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

No. CR 81-907-AWT

HONORABLE A. WALLACE TASHIMA, JUDGE PRESIDING

UNITED STATES OF AMERICA, PLAINTIFF,

v.

ALBERTO ANTONIO LEON; ARMANDO LAZARO SANCHEZ; PATSY ANN STEWART; RICARDO ALBERT DEL CASTILLO, DEFENDANTS.

REPORTER'S TRANSCRIPT OF PROCEEDINGS Los Angeles, California Tuesday, January 12, 1982

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Official Reporter
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For Defendant DEL CASTILLO:

JAY LICHTMAN, ESQ. 6420 Wilshire Boulevard 14th Floor Los Angeles, California 90048 [102]LOS ANGELES, CALIFORNIA, TUESDAY, JAN-UARY 12, 1982; 3:02 P.M.

THE COURT: Call our 3 o'clock matter.

THE CLERK: Yes, your Honor.

Item No. 2, CR 81-907-AWT, United States of America v. Alberto A. Leon, Armando Lazaro Sanchez, Patsy Ann Stewart and Ricardo Albert Del Castillo.

Appearances, Counsel.

MR. DAVIDSON: Good afternoon, your honor.

Anstruther Davidson for the United States of America.

MR. KAPLAN: Norman Kaplan with Mr. Leon, who is present, your Honor.

MR. COSSACK: Good afternoon, your Honor. Roger

Cossack with Patsy Ann Stewart, who is present.

MR. VODNOY: Good afternoon, your Honor. Joseph Vodnoy with Armando Lazaro Sanchez, who is present.

MR. LICHTMAN: Good afternoon, your Honor. Jay Lichtman, who is present with Mr. Ricardo Del Castillo.

THE COURT: I understand the Government is going to ask for some time to appeal. Is that right?

MR. DAVIDSON: Yes, your Honor.

THE COURT: Go ahead.

MR. DAVIDSON: Your Honor, the Government—I can't say for sure that we will appeal, but I believe it is [103] likely enough.

THE COURT: Well, you have asked for authority. Is

that right?

MR. DAVIDSON: No, we haven't.

I talked to the people in Washington. We have to make a request in writing requesting authority to.

THE COURT: You have not made a formal request in

writing to do so?

MR. DAVIDSON: No, not from the Solicitor General.

In my opinion it takes in the matter of a week, two
weeks, or three weeks.

THE COURT: All right.

MR. DAVIDSON: I would request that we have 30 days within which to appeal.

THE COURT: Very well.

MR. DAVIDSON: I believe we have-

I request a continuance of 30 days of the trial. Now, dealing with the Speedy Trial Act problem, there are two things: One, I believe we have about 40 or so days left to act.

The Court has already excluded the time from November the 12th until yesterday due to the illness and unavailability of Mr. Vodnov.

I don't think that the Court specifically excluded it, but I would ask the Court to exclude it and will present [104] an order with respect to the time in October between the filing and ruling upon the discovery motions.

The defendants asked for the identity of the informant and-

THE COURT: The first motion, I think, is that this case was filed on October 28th, and that would be a motion to disclose the name of the informant and several similar motions, and a discovery motion was filed two days later.

So the first such motion was filed on the 28th and it was determined on November 12th.

So I think that time is excludable under the Speedy Trial Act.

Does any defendant take exception to that?

MR. COSSACK: No, your Honor.

THE COURT: That is 3161(b)(1)(f)—delay resulting from any pretrial motions.

Well, I find that the time is substantially excludable under (b)(1)(f).

So if you add that to, what is it—two months—is that right from the—

MR. DAVIDSON: Well, the way I was figuring it, your Honor, is that since you excluded from November 12th—

The original day that the Act was to expire, the 70 days was to expire was December 11th.

THE COURT: All right.

[105] MR. DAVIDSON: We are now excluding what you just mentioned. We are on November 13th, as I view it.

THE COURT: All right.

MR. DAVIDSON: So we have got what, 29 days or so there, plus the 14 days that we just obtained there, which, in my view, would give us 30 days.

Now, this is an exclusion for an interlocutory appeal.

As one defense counsel pointed out, however, I have not filed an appeal. For a lot of reasons I would like not to file the notice of appeal at this time if I can avoid it because—

THE COURT: I do not think that can apply, at least until

you decide to appeal.

MR. DAVIDSON: I think I must agree with the Court on that.

THE COURT: Well, I find that earlier period excludable under that subsection just cited.

I will give you your continuance, but I think you will know before a month, won't you, whether or not you are going to appeal?

MR. DAVIDSON: We should know, yes, your Honor.

I certainly would advise the Court and all counsel as soon as I find out.

THE COURT: All right. Does that mean that if you [106] do not appeal you are going to be prepared?

Well, first of all, let's pick a date for that. Thirty days would be what? Today is the 12th?

THE CLERK: Yes, your Honor.

MR. DAVIDSON: Yes, your Honor, today is the 12th.

THE COURT: Well, Monday is a holiday. What about Tuesday, the 16th? Do we have enough time to take it on then?

MR. DAVIDSON: The 16th would be a month.

THE COURT: That is a month.

MR. DAVIDSON: Yes, that would be fine.

THE COURT: And you estimate this to be what, about four days?

MR. DAVIDSON: Yes, your Honor.

(Court and clerk conferring.)

THE COURT: So I will give you a continuance based on excludable time to February 16, 1982, at 9:30 a.m.

Now, if there is any need to come in earlier to decide what to do in case you don't appeal?

MR. DAVIDSON: I think there probably would be, your Honor, because, as I view it now. I'm very afraid there would have to be some severances if we go to trial.

THE COURT: Will you know a week before whether you are going to appeal? In other words, by the 8th of

February?

MR. DAVIDSON: I hope so, your Honor. I would [107]

suggest setting a status conference at that time.

THE COURT: Yes, why not set a status conference, and if defense counsel want to, you can file a waiver and your clients won't have to be here for purposes of a status conference, and if you choose to file a waiver, you may do so.

All right, then. Let's set a status conference for Monday, February 8th, at 10:00 a.m. in this case. Is that all right?

THE CLERK: Yes, that will be fine, your Honor.

THE COURT: Now, assuming the Government has filed a notice of appeal by that date, then the status conference will be canceled. That is understood, right?

And let us know, Mr. Davidson, if you can, before the 8th what you plan to do.

MR. DAVIDSON: I will, your Honor.

Your Honor, may I just raise one point. I certainly don't want to relitigate anything.

THE COURT: Raise anything you want.

MR. DAVIDSON: What was that?

THE COURT: Raise anything you want.

MR. DAVIDSON: I cited and mentioned briefly the Fifth Circuit Williams case.

THE COURT: Yes.

MR. DAVIDSON: Certainly, I assume the Court did not want to blaze what someone would call a new trail.

[108] I would ask, however, if either the Court would make a finding with respect to the good faith issue that the officers acted in good faith, or at least a finding, which I think is amply supported by the record on the absence of any bad faith on the part of the policemen executing the warrant.

THE COURT: First of all, let me ask you this: You recall I made some statements generally yesterday on the record

when I ruled on the motion. I guess to the extent findings are useful, those would be considered findings.

I don't intend to do anything in writing. I have not requested any party to submit a proposed finding, unless somebody thinks it is necessary.

On the issue of good faith, obviously that is not the law of

the Circuit, and I am not going to apply that law.

I will say certainly in my view, there is not any question about good faith. He went to a Superior Court judge and got a warrant; obviously laid a meticulous trail. Had surveilled for a long period of time, and I believe his testimony—and I think he said he consulted with three Deputy District Attorneys before proceeding himself, and I certainly have no doubt about the fact that that is true.

MR. DAVIDSON: I understand, your Honor. Thank you.

THE COURT: Anything else?

[109] MR. DAVIDSON: Nothing from the Government.

THE COURT: You are going to prepare an order for me on the continuance?

MR. DAVIDSON: Yes, I will. May I have one order as to the exclusion in-

THE COURT: Continue it to that date, a status conference the week before if no notice is filed, and just find the additional time excludable.

All right?

MR. LICHTMAN: Your Honor, there is one comment I'd like to make so as not to waive any Speedy Trial rights for my client.

THE COURT: Yes.

MR. LICHTMAN: First of all, I haven't done the mathematics to figure out the 70 days.

I would like to say first of all that we are, as of today, prepared to proceed to trial.

THE COURT: All right.

MR. LICHTMAN: The second point is that if the Government does not file a notice of appeal or does not, in fact, go to trial within the 70 days—and I haven't figured that out either—of course, without wanting to waive the Speedy Trial, I feel that might be a waiver of the Speedy Trial.

THE COURT: It might be.

[110] MR. LICHTMAN: And the third point is this—and perhaps I should point out this point—another novel point, because of the Court's findings regarding Mr. Del Castillo's standing, I'm not sure that the Government's appeal in this case would affect Mr. Del Castillo.

If so—and I'm not sure what the answer to this is—the excludable time for the interlocutory appeal that does not affect one defendant may be a violation of that defendant's Speedy Trial rights.

I have done some research this morning, but there doesn't seem to be the case law.

THE COURT: That is not my view, and if you want to move for severance, you may do that. I am not going to make an advisory ruling on what will happen in the future to violate the Speedy Trial Act.

My view is as long as the case is unsevered and there is an interlocutory appeal, that will totally toll the Act.

Certainly I agree with the Government, as of now, there is plenty of time without looking at interlocutory appeal provisions.

But, even assuming the Government does appeal and at that time you feel you will be prejudiced, I think you ought to make a motion to sever at that time so you won't be waiving any of your rights. I think obviously that is one of [111] your alternatives.

But, beyond that, I think it is academic because I don't know if the Government is going to appeal or not. That is the reason I would like to have the status conference a week before because, if the Government does not then, I think we should all be prepared to go ahead. All right?

MR. DAVIDSON: Thank you. THE COURT: Anything else? MR. LICHTMAN: No.

THE COURT: All right.

(The proceedings in the foregoing matter were concluded at 3:31 p.m.)

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

No. CR 81-907-AWT

United States of America, plaintiff,

υ.

ALBERTO ANTONIO LEON; ARMANDO LAZARO SANCHEZ; PATSY ANN STEWART; RICHARDO ALBERT DEL CASTILLO, DEFENDANTS.

REPORTER'S CERTIFICATE

I, M. LENOIR EDDY, CSR, do hereby certify that I am a duly appointed, qualified and acting official court reporter of the United States District Court for the Central District of California.

I further certify that the foregoing pages comprise a true and correct transcript of the proceedings had in the above-entitled cause and that said transcript is a true and correct transcription of my stenographic notes.

Dated at Los Angeles, California, this ____ day of March, 1982.

/8/			
	Official	Reporter	

UNITED STATED DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL
No. 81-907-AWT
THE HONORABLE A. WALLACE TASHIMA, JUDGE PRESIDING

United States of America, Plaintiff,

21

ALBERTO A. LEON, ARMANDO L. SANCHEZ, PATSY ANN STEWART, AND RICARDO ALBERT DEL CASTILLO, DEFENDANTS.

> REPORTER'S TRANSCRIPT Los Angeles, California Monday, February 8, 1982

ROBERT F. STARK, CSR #5104 419 United States Courthouse 312 North Spring Street Los Angeles, California 90012 (213) 617-3273

APPEARANCES

For the Plaintiff

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For the Defendant Alberto A. Leon NORMAN KAPLAN, ESQ. Suite 1000, 205 South Broadway Los Angeles, California 90012 (213) 625-1424 For the Defendant Armando L. Sanchez

MICHAELSON, WITHEY & ABZUG BY: MICHAEL D. ABZUG, ESQ. 1900 Avenue of the Stars, Suite 2512 Los Angeles, California 90067 (213) 278-4984

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COSSACK & ARTZ
BY: ROGER L. COSSACK, ESQ.
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For the Defendant Ricardo Albert Del Castillo JAY L. LICHTMAN, ESQ. 14th Floor, 6420 Wilshire Boulevard Los Angeles, California 90048 (213) 653-9071 [3] LOS ANGELES, CALIFORNIA; MONDAY, FEBRU-ARY 8, 1982; 10 A.M.

THE CLERK: Item 11. CR-81-907-AWT. United States of America versus Alberto A. Leon, Armando L. Sanchez, Patsy Ann Stewart, Ricardo Albert Del Castillo.

Counsel, announce your appearances, please.

MR. DAVIDSON: Anstruther Davidson for the Government.

MR. KAPLAN: Norman Kaplan for the Defendant Leon who is not present but there is a waiver on right, Your Honor.

MR. ABZUG: Michael Abzug appearing on behalf of Armando Sanchez who is present and ready to proceed.

MR. COSSACK: Roger Cossack for Patsy Stewart who is present in court.

MR. LICHTMAN: Jay Lichtman for Mr. Del Castillo who is also present and ready to proceed.

THE COURT: Today was originally scheduled as a status conference to see where we were going, and I think we now have a motion from the defendant—

MR. DAVIDSON: From the Government.

THE COURT:-for a stay.

MR. DAVIDSON: No, not exactly. If I can [4] speak first, I think I can expedite the proceedings, Your Honor.

THE COURT: All right.

MR. DAVIDSON: First we do—well, I filed a motion to reconsider the case based upon the Supreme Court's grant of certiorari in the Gates case. I had two requests of the Court in my papers. One, the most efficient looking on the face of it, ignoring the Speedy Trial Act for just one moment, would be to take the motion under submission until at least about March, when we would know whether the Gates case is going to make it on at least the oral argument calendar of this term. This would save what could possibly be a very unnecessary appeal.

However, putting the Speedy Trial Act back into that, I have very significant problems with the Speedy Trial Act because it would have to go under the—an exclusion of time would have to be under the interests of justice exception. So in my papers I sort of hedged, saying that the Gov-

ernment at least would want to see what counsel thinks of that disposition of this matter in light of the Speedy Trial Act.

I'm told by I think all but Mr. Lichtman, I'm sure he probably joins in it, that I think they don't like that disposition and are opposed to it. Under that, [5] unless the Court is very strongly desirous to do it, the Government would not ask to take the—that the Court take this matter under lengthy submission and find the time excludable under the interest of justice exception to the Speedy Trial Act.

The alternative, and I won't present argument on it, I'll just say that we have filed the motion and would like a ruling on it, we—I realize I've shown the Court a case which goes the way of the defense. The only thing I would say is that our case here was close, I would suggest. The Illinois Supreme Court dealt with a case strikingly similar, and concededly it's a guess, but I would think that the United States Supreme Court would be wasting its very precious time to be taking the Gates case merely to affirm it, and that appearently at least four Justices have grave doubts to the propriety of the Gates case.

That's all the argument I would have on the motion itself. And if the motion is denied, Your Honor, just for the other purpose we are here, that is the status conference, we will be filing a notice of appeal, probably tomorrow morning.

THE COURT: You have your authorization, right?

MR. DAVIDSON: I have an authorization to [6] file a notice of appeal and will very likely get the ultimate, final authorization from the Solicitor General, yes.

THE COURT: Okay. The defendants? I assume you are all in agreement as to what to do. Can we not hear from everybody and can we have one or two summarize your position here on the Government's motion?

MR. COSSACK: May I ask Your Honor one question? Is Your Honor intending to grant the motion for reconsideration, because, if not, I think it would do away with my argument at least about whether or not the Gates case is even applicable to our case, which I'm prepared to argue it's not even close to our case.

THE COURT: I'm not sure I agree with you on the characterization of the case, but it would be my intention not to grant reconsideration.

MR. COSSACK: Then I'll submit it on that basis.

MR. KAPLAN: Submitted as to Leon as well.

MR. LICHTMAN: Submitted, Your Honor.

THE COURT: It's awfully hard for me to conclude, which is really what you're requiring me to do, that every time the Supreme Court grants certiorari it's going to reverse. That's what it amounts to. I'm reluctant to do that. I think the Illinois case is [7] pretty strong or close in the sense that I think if that case is reversed, it would probably control this case. But I don't know whether it would be reversed or not.

I'm going to deny the motion for reconsideration because I just don't think I can just hold this case in abeyance on the basis of speculation of what the Supreme Court is going to do. I frankly think what you ought to do is file your notice of appeal and then ask the Ninth Circuit for a stay pending the decision in this case. That, of course, you won't have any supreme trial problems.

I don't think I can really do that here because, one, I don't want to second-guess the Supreme Court. And there's no way to handle your problem without doing that.

So the motion for reconsideration is denied. I think you

should ask the Circuit for a stay.

MR. DAVIDSON: I understand, Your Honor,

Your Honor, may I submit an order excluding from Friday until today. I know that's only three days.

THE COURT: The day the motion was made?

MR. DAVIDSON: Because of the motion, yes.

THE COURT: Yes.

MR. DAVIDSON: We might be getting fairly [8] close.

THE COURT: And then I assume you are going to file a notice of appeal.

MR. DAVIDSON: Probably tomorrow morning.

MR. COSSACK: May I object to the exclusion of time of those three days for the record?

THE COURT: It's provided under the rule. You can object, but it's a specific exclusion under the rule, under the statute, pendency of a motion.

I suggest if you are going to appeal you ought to get your notice on file as soon as you can so you can then start that period tolling before the interlocutory appeal.

MR. LICHTMAN: I would like to just inquire whether

the notice of appeal is to be filed as to all defendants.

THE COURT: That's a good question, Mr. Davidson, because I think basically with respect to—well, it must be

your client, Mr. Lichtman, motions were denied.

MR. DAVIDSON: Your Honor, the Court excluded some, not very much, but a little bit of evidence as to Mr. Lichtman's client, Mr. Del Castillo. There was some marijuana debris in the trunk of Mr. Del Castillo's car. And our view—

[9] THE COURT: You just want to treat them all together.

MR. DAVIDSON: Yes.

THE COURT: So you say you have something to hang your hat on.

MR. DAVIDSON: The answer is yes, we will be filing

notice of appeal as to all defendants.

MR. LICHTMAN: I don't know if I need to, but I should probably ask the Court if there is going to be an appeal to appoint me for the appeal. I don't know that the appointment is automatic.

THE COURT: I don't either. Well, I think you should be appointed because obviously when the defendant is an appellee as opposed to the appellant, you probably don't even reach the test of whether the appeal is friviolous. All right.

I will appoint you on the appeal.

MR. ABZUG: There is one other matter with respect to my client, Armando Sanchez, Your Honor. Given the fact that even without a stay from the Ninth Circuit pending the disposition of the Gates case, that the appellate process will be quite lengthy, my client would like to make an application to the Court for modification of his bail. I've discussed an intention time for such a hearing with Mr. Davidson, and he said [10] subject to the Court's conven-

ience, he would have no objection to a hearing next Tuesday, if the time would be convenient with the Court. I know that Mr. Sanchez' pretrial service officer is very supportive, and I would like him to have an opportunity to file a supplemental report with the Court.

THE COURT: All right. What about coming in at 9:30 on

Tuesday.

MR. ABZUG: Fine.

MR. LICHTMAN: Your Honor, just for the record, I assume that the bonds which are currently in effect for the

trial would remain in effect for the appeal.

THE COURT: Well, it's not that kind of appeal. It's an interlocutory appeal. I think the answer is yes. It remains in effect without any further order, isn't that right, in this kind of appeal, an interlocutory appeal by the Government?

MR. DAVIDSON: I believe that's correct, Your Honor.

MR. ABZUG: Thank you.

MR. COSSACK: Thank you, Your Honor.

MR. LICHTMAN: Thank you.

MR. KAPLAN: Is the trial-

THE COURT: That means the trial date is— [11] there was never a trial date. If it were, it is vacated until after the appeal. Isn't that right?

MR. DAVIDSON: We will be filing notice of appeal, yes,

Your Honor.

THE COURT: So there is no trial date.
MR. KAPLAN: Thank you, Your Honor.

THE COURT: We are all believing the Government's representation that an appeal will be filed.

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

Criminal No. 81-907-AWT

United States of America, plaintiff,

v.

Alberto A. Leon, Armando L. Sanchez, Patsy Ann Stewart, and Ricardo Albert Del Castillo, Defendants.

REPORTER'S CERTIFICATE

I, ROBERT F. STARK, C.S.R., hereby certify that I am a duly appointed and qualified official court reporter of the United States District Court for the Central District of California.

I further certify that the foregoing pages comprise a true and correct transcript of the proceedings had in the aboveentitled cause, and that said transcript is a true and correct transcription of my stenographic notes.

Dated at Los Angeles, California, this 15th day of February, 1982.

/a/ ROBERT F. STARK, CSR

In the Supreme Court of the United States

No. 82-1771

UNITED STATES, PETITIONER

v.

ALBERTO ANTONIO LEON, ET AL

ORDER ALLOWING CERTIORARI. Filed June 27, 1983.

The petition herein for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit is granted.

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